



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

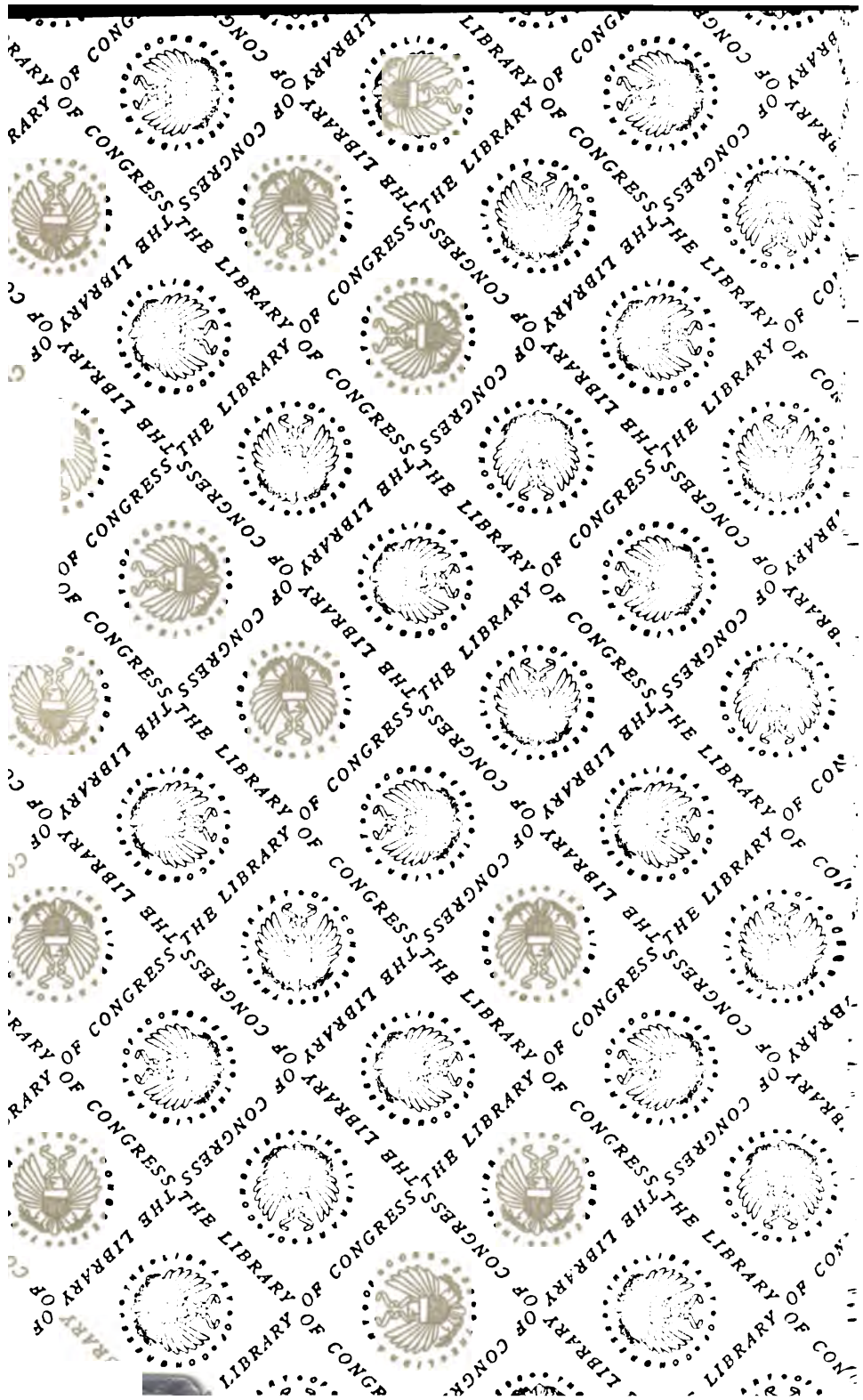
LL

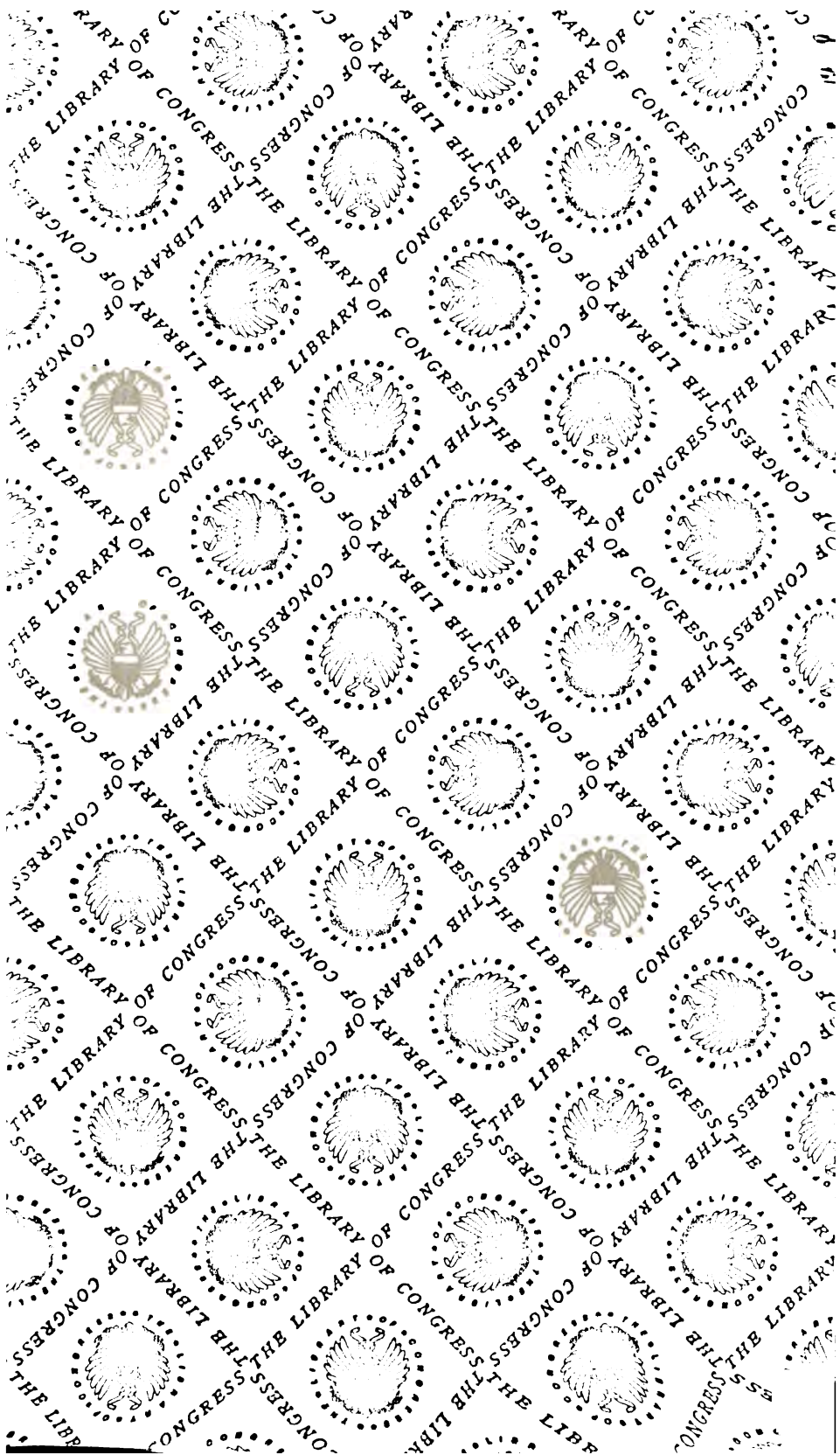
KF 27

.P76

1902

Copy 1





-
.

57TH CONGRESS, 1st SESSION, HOUSE OF REPRESENTATIVES.

HEARINGS

126 349

BEFORE THE

COMMITTEE ON THE PUBLIC LANDS

OF THE

HOUSE OF REPRESENTATIVES

ON THE QUESTION OF

LEASING THE PUBLIC LANDS FOR GRAZING PURPOSES.

(H. R. 7212, 6246, 7954, 14108.)

JANUARY 29 TO JUNE 4, 1902.

THE LIBRARY
OF CONGRESS

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

1902.

KF27
P76
1902
C. pg 1

~~HIN 64x
A3~~

Y8A86LJ 3H7
22380000 70

INTRODUCTORY.

This volume is a compilation of speeches, petitions, letters, and laws on the question of leasing the vacant public lands for grazing purposes, and the object of its publication and distribution is to place in the hands of the ranchmen and homestead settlers of the arid and semi-arid regions of the West a book which contains many shades of opinion on a subject that demands prompt attention by the Congress of the United States.

The question of how best to protect the annual grasses and prevent their ultimate destruction, and at the same time place no barrier in the way of homestead settlement, is one in which all the people of the United States are interested.

WM. M. REECE,
Clerk of Committee.

LEASING THE PUBLIC LANDS FOR GRAZING PURPOSES.

STATEMENT OF MR. BOWERSOCK.

Should private parties use the property of the people for gain free of charge? Should those who use Government property not only do so without paying anything therefor, but without such supervision as will prevent destruction? Shall those who utilize for profit part of the public domain pay a reasonable price, the proceeds to be invested in such a way as to open up portions of the semiarid region for homesteads? Shall the few that are strong and rich continue to monopolize the pasture lands remaining of the public domain, to the exclusion of the weak and poor, and pay nothing for the privilege?

Part, if not all, of these questions find, I submit, an answer in the bill under consideration providing for the leasing of the Government grazing lands at a fixed price per acre, under the supervision and direction of the Secretary of the Interior.

For years it has been claimed that the "cattle barons" purchased the strips of land contiguous to and controlling the water privileges, and thus monopolized the vast pasture ranges. The evidence goes to show that much of the pasture is overstocked, the grasses killed, and the land rapidly becoming actual desert. It is now a common inquiry made by those who travel in the semiarid belt of our country, "upon what did the vast herds of buffalo that once covered the land in countless numbers subsist?"

Objections to the bill have been many and varied.

"It will stop sale of lands and prevent settlement," is claimed by some. Against this I put my own experience. For a quarter of a century I have owned grazing lands in central Kansas. For years this land was used by anybody without payment, and during those years I never had an inquiry from a prospective buyer. A few years ago, I began to keep trespassers off the lands and insisted on a rental, for grass purposes only, of 5 to 20 cents per acre. Immediately sales began to be made. Parties who could not use the lands free wanted to buy and did buy until every acre was sold.

One protest stated:

If this bill passes it will ruin the price of land here, because it will stop immigration.

This protest came from a section where land has been dead property for years and where the population had decreased during the last decade. "Two cents per acre is ridiculously low," said one cattle-grower's association; "it is too high; we can not afford to pay so much," claims another. Personal interest—selfishness—is at the bottom of most of the objections. This is another instance of the difficulty in a vast country like ours of making a general law that may

equitably apply everywhere. It is not easy to satisfy one man with a special bill. Even the tariff is said to be a local issue, and a ship-subsidy bill that will meet with the full approval of the citizens of Maine is likely to be seriously objected to by many people in Kansas. This means that we live in a very large country, with diverse interests, and naturally men are trying to "look out for number one." A broader, more patriotic, higher spirit should actuate us. Public questions should be argued and settled upon the principle of the greatest good to the many, special privileges to none.

Briefly, the bill under consideration provides for the leasing of the vacant public land west of the one hundredth meridian for stock-growing purposes at 2 cents per acre, subject to the right of homestead and mineral entry under existing laws, thus protecting the homesteader.

The price is uniform and fixed, placing all who desire to use the lands upon an equal and known basis. Preference is given to owners of cultivated lands for leasable lands adjoining their freeholds. The Secretary of the Interior is granted power to cancel leases and make needful rules and regulations for properly administering the act. The net revenue derived from the leases is to be held in the Treasury to be only expended under direction of the Secretary of the Interior in providing water storage and irrigation works in the arid and semiarid regions, preparing land for settlement under the homestead act.

General irrigation, where practicable in the arid and semiarid portions of our country, will be developed slowly in any case and at great expense. Eastern agriculturists are now protesting against the General Government taxing all the people for this purpose, and there are equities in this view of the great question. It is estimated by the Secretary of Agriculture that 400,000,000 acres of the public domain is fit only for pasturage. Based on the bill under consideration, if 300,000,000 acres are leased a revenue of say \$5,000,000 per annum will be available for irrigation, providing support for thousands of American homes. Under proper restrictions the pasture lands will improve in value and an increased price may be secured in some localities, placing a still larger sum in the Treasury for irrigation and reclamation.

Upon what basis—justice, equity, or business common sense—can those who use for private purposes property not their own object to paying a fair and moderate charge therefor?

Is there any reason why the affairs of the Government should not be transacted on an honorable business basis?

We talk glibly enough about "the greatest good to the greatest number." Here, it seems to me, is an opportunity to rise above mere words and phrases and put in actual practice a just business proposition that will benefit the entire nation.

J. D. BOWERSOCK.

COMMITTEE ON THE PUBLIC LANDS,
House of Representatives, January 29, 1902.

The committee met at 10.30 o'clock a. m., Hon. John F. Lacey in the chair.

STATEMENT OF MR. F. C. LUSK.

MR. LUSK. Mr. Chairman and gentlemen of the committee, the bill before the House No. 7212 was introduced by Mr. Bowersock at the request of the American Cattle Growers' Association, of which I have the honor to be president. The bill was prepared by a committee appointed by resolution, or authorized by a resolution, at the convention of that association held in Denver last March. As president, I was directed to appoint a committee of five to prepare such a bill. I appointed as chairman Col. John P. Irish, of California, who is familiar with stock interests in that section, and the other members of the committee were Mr. Henry M. Porter, of Denver, Colo., who has been recognized as an expert on grazing in the papers and otherwise for a great many years, who was very familiar with conditions surrounding him; Mr. A. B. Robertson, of Colorado, Tex., who is largely interested in New Mexico and knows the conditions out that way, as well as being familiar with the leasing laws which they have in Texas; Mr. Bartlett Richards, of Nebraska, who is a gentleman very familiar with the questions relating to leasing in his part of the country; and Mr. M. K. Parsons, of Salt Lake, Utah, who is equally familiar with the conditions prevailing in his section of the country.

The members of this committee were separated from each other by considerable distances, but they met in Denver and endeavored, as far as possible, to frame an elastic bill to cover the conditions of these different sections of the country which they represented.

MR. JONES. Was Washington represented at that convention?

MR. LUSK. Very slightly. We have few members from Washington.

MR. JONES. The reason I asked is that I have a long petition, signed by two or three thousand people, protesting against the disposition of public lands in any way, by lease or sale.

MR. LUSK. We have very few members from Washington, but some were present at the convention.

A bill was then prepared that has been introduced in this Congress and referred to your committee, No. 7212. After that bill was given to the press, which was simultaneous with or a short time before its introduction in the House, there came to the committee a great many letters and suggestions from all over the arid-land regions. Objections were also sent to the committee. To meet those objections as far as possible and where it seemed advisable to the committee, we have prepared a bill which was introduced in the Senate yesterday as No. 3311, and Mr. Bowersock will consent that as far as the action of this committee goes—I do not know just how it is arrived at under your rules—the Senate bill, No. 3311—

MR. NEEDHAM. Who introduced that in the Senate?

MR. LUSK. Senator Millard, we would like to substitute that Senate bill as containing the wishes of the American Cattle Growers' Association.

THE CHAIRMAN. In what respect do the bills differ?

MR. LUSK. I want in my statement to call the attention of the com-

mittee to the differences, and I want each member of the committee to have a copy of the bill. I have only a few copies of the printed bill here, but I have had typewritten copies made so as to supply everyone.

It might be proper to state in the first place who the American Cattle Growers' Association are. It is an association composed of representative cattlemen from all the States and Territories west of the Mississippi River, or the Missouri River more properly speaking, as they are mostly from the arid-land States. In its membership a small owner or grower has as much influence as a large owner. The man who owns 100 cattle has as much say and influence as the owner of 75,000 cattle.

Mr. JONES. Have you a list of membership?

Mr. LUSK. No, sir.

Mr. SHAFROTH. What fees are required from the association?

Mr. LUSK. A \$5 initiation fee and \$5 annually.

Mr. JONES. Could you furnish me the names of the representatives in your association from Washington?

Mr. LUSK. I could do so by correspondence. I know the Frye-Bruhn Company.

Mr. JONES. A manufacturing firm in Seattle?

Mr. LUSK. I do not think you can call it a manufacturing company. They raise cattle and butcher and sell.

Mr. JONES. Their principal business is butchering.

Mr. MARTIN. Do you know whether you have any members from the State of South Dakota?

Mr. LUSK. Yes, but I can not give you the names offhand.

Mr. MARTIN. Could they be ascertained readily, so as to give us that knowledge during these hearings?

Mr. LUSK. I can get a list from Denver, the office of the association, showing all the members of the association.

Mr. JONES. I wish you would get a list of those from Washington.

Mr. LUSK. I will do so.

The formation of the association was especially to provide that small stockmen or small cattlemen should have the control; that is to say, that in deciding questions or voting the members should not be entitled to vote according to the number of cattle they own or the number of acres they hold, but that each member should stand on the same footing and have an equal say. This association is different from the National Live Stock Association, where associations only can be members. An association can not be a member of the American Cattle Growers' Association, but only individual growers of cattle, and the smallest has the same rights as the largest. The action authorizing the leasing of the public domain, or, rather, the action approving it, was taken at a full meeting of the association last March by a vote which was almost unanimous. I think there were only 13 dissenting votes.

Now, if you please, gentlemen, on behalf of this association I would like to present this bill to you section by section and call attention to the changes that have been made in the former bill (No. 7212), which is on your file.

In the first section, the enacting section, as it may be termed, we have changed the language, so that instead of reading "All vacant public lands west of the one hundredth meridian west from Greenwich,"

it will read, "All vacant public lands in Arizona, California, Colorado," etc., naming all the States and Territories, so as to make it conform in this respect, as far as possible, with House bill No. 9676, introduced by Mr. Newlands, which is the irrigation bill, so called, coming from a committee of seventeen. [Reading.]

Shall be leased for stock-raising purposes, subject to the right of homestead and mineral entry under existing or future laws of the United States, and when so entered to be canceled from the lease.

Mr. NEEDHAM. Permit me to interrupt you. You say all vacant public lands. You do not, then, intend to make any law that shall apply to our forest reserves?

Mr. LUSK. No, sir; that is excepted.

Mr. NEEDHAM. The reason I asked is that I have received several protests from small cattle growers who now enjoy privileges on our reserves, and as I understand it your bill will not apply to that land.

Mr. LUSK. No, it will not. One of the first objections we had was from a man interested in irrigation, saying that while we exempted homesteads under the irrigation bill there might be a new class of homesteads under a new law, and so the bill is changed to say "under existing or future laws of the United States" instead of simply "under existing laws of the United States," which was the language of the original bill. The object of this bill is to get it in a shape as strong for that purpose as can be made; we wish only the right to lease the lands that are purely grazing, and to give the homestead entryman under any law the fullest right to go there and make his entry and have it canceled from any lease that may have covered it.

Mr. MONDELL. Have you had no objection to the bill on the ground that it would be a practical repeal of the land laws except the homestead laws—that it would practically repeal the desert-land law, the timber-land law, and the stone law?

Mr. LUSK. No; I have no objection on that ground.

Mr. MONDELL. It would be practically the effect of the bill—the repeal of all the land laws except the homestead laws.

Mr. LUSK. I could not say as to that. There is a universal demand that the homestead law shall be protected.

Mr. JONES. It does not except desert entry?

Mr. LUSK. No.

Mr. MONDELL. Would not this practically bar every entry except the homestead entry?

Mr. LUSK. I do not know as to that; I think all the lands have been taken up pretty well except the desert lands, and I think it is generally the impression that the desert act and the stone act and the timber act should be repealed. I think there is a general demand for the repeal of those acts.

Mr. MONDELL. Where does that general demand come from?

Mr. LUSK. It comes from the sources with which I am acquainted. There is a general statement that through those acts frauds are being committed on the public domain. Lands are repeatedly not entered in good faith and sold as desert lands.

Mr. JONES. Would not the effect of this bill be to repeal those acts indirectly?

Mr. LUSK. No.

Mr. JONES. If that is not the object, I think there must be a mistake.

Mr. MONDELL. It would absolutely repeal all the laws except the homestead law, including the town-site.

Mr. JONES. Unquestionably, then, the effect of this bill would be to repeal all entries in this country except the homestead and mineral entries. Do you not think so?

Mr. LUSK. What the practical effect will be I am unable to say.

Mr. JONES. Was that considered by your association?

Mr. LUSK. Yes, it was considered by the committee.

Mr. JONES. Was it the opinion of the committee that it would repeal those laws?

Mr. FORDNEY. Does it not also repeal the law as to mineral lands?

Mr. LUSK. It says, "subject to the right of homestead and mineral entry."

Mr. NEEDHAM. Mineral lands are reserved, but it would repeal all others.

Mr. BRUNDIDGE. Suppose a company goes in and leases 10,000 or 100,000 acres of land. It is true a man has a right to go in there and enter a homestead, but do you think it is likely he would do that. Would not this law in its effect deter a man from taking a homestead on that land? Would it not virtually destroy the homestead law?

Mr. LUSK. I do not think so. They come in on the ranges now where cattlemen are running their cattle and take their homesteads as freely as they desire, and entirely unimpeded.

Mr. MARTIN. Is not that because they have the right to graze on their lands around their 160 acres, just the same as anyone else has; But here you are proposing to take all the Government lands except the mineral and homestead entries, and you propose to lease them for a period of ten years with the absolute right of renewal for another ten years, which would make twenty years, and you preserve simply the right of the homesteader to go in there and take his 160 acres. He has his 160 acres, but he has no right to be entitled to any ranging on the land about him. In other words, you remove these lands from every probable homestead entry for the period of twenty years.

Mr. LUSK. We did not suppose this bill would be passed without amendment. If the gentlemen on this committee think the desert land and stone land and timber land entries should be exempt, with homestead and mineral, it is satisfactory to me.

Mr. MARTIN. But my question is, Is it your view, you being familiar with the subject and representing the association, that it would still leave any probability of homesteads being taken inside of lands that might be leased?

Mr. LUSK. Being familiar with the conditions out there, I say that nearly every piece of land that is really subject to homestead in good faith is taken, and there has to be reclamation of the arid lands before there will be very much land for homesteaders in good faith. But, on the other hand, if the gentlemen of this committee think that this bill is not sufficiently explicit—as I think it is in the next section—you could provide that the homesteader entryman, after he makes entry, could have a leasehold carved out of the lease his entry is in. That would be satisfactory.

As I have stated, we expected this bill to be amended to a very considerable extent. We expected it to pass, according to the wisdom of the gentlemen on the committee of the House. We did not think

it desirable to except desert and stone entries. To our knowledge, to the knowledge of everyone familiar with the conditions out there, those entries have been very much abused, and are being constantly abused, and if you gentlemen think it wise to except them from the leasehold we should be glad to have a leasehold with them excepted. Anything is better than the condition of the range at the present time.

Mr. JONES. In reference to the supposition made by Mr. Brundidge, if a man should have the temerity to make a settlement within these 100,000 acres leased, do you think he would stay there very long?

Mr. LUSK. I think he would stay there just as long as he desired.

Mr. JONES. But he might not desire to stay.

Mr. LUSK. I think he would desire to stay to complete his entry if he had entered upon land that permitted it. There is, right there, a misapprehension on the part of many not aware of the conditions in those countries. The large man can no more damage or hurt, in any manner or shape, a little man who initiates a homestead there than he can fly. He can not hurt him, he can not damage him; he would be instantly punished by the laws if he attempted to do it. The little man on the Territory preserves can infringe on the rights of the big man if he wants, but the big man can not infringe on the little fellow.

Mr. JONES. There is a difference of opinion on that subject. A man in Montana tells me that a man who entered in the way described would be driven out before he stayed there very long.

Mr. LUSK. He would not be driven out in any cattle country with which I am familiar, and I am familiar with a good many of them.

Mr. MARTIN. Do you not think that a law of this kind, which gives the larger cattle owner the opportunity to control every part of the lease on which by consent he leased, would increase his power over the smaller man?

Mr. LUSK. I do not think so. Wherever there are the large and small man, the advantages are all with the small man. He may do what he pleases to the large man and not be punished, but the large man can not do a thing to him. Take this case. There are in that country, in the county of Harney, Oreg., where my interests are, places where little cattle men have established a dead line against migratory sheep and enforce it with the Winchester. A large man can not do that. If he attempted to do it he would be punished, but the little man can do it.

Mr. FORDNEY. Are the ranches owned by cattlemen sometimes owned in person by more than one person?

Mr. LUSK. They are owned, both the sheep lands and the cattle lands, individually and also by corporations.

Mr. FORDNEY. This bill says, "*Provided*, That such leaseholds are not held by any one person." If it were true that a company of 10 persons owned 1,000 acres under this bill they would have a right to come in and select 10,000 acres.

Mr. LUSK. You have passed far ahead of the provision in the bill that I was reading.

Mr. EDDY. You are still in section 1, I understand?

Mr. LUSK. Yes, sir.

Mr. EDDY. In the beginning of section 2 there is a provision there "That leases of such lands shall not be subject to bids. The uniform rental shall be 2 cents per acre per annum, payable annually in

advance." It seems to me that some of these leases may be very valuable and other leases less valuable, but you put them in at a common price. I would like to know the reason of that.

Mr. LUSK. No lease law can be passed in my judgment unless a very considerable portion of what are called small stockmen favor it. They have observed that the Government, in leasing these stock lands in Oklahoma, put them up at public auction. A lot of stockmen came to our convention from Idaho and said that they would not tolerate anything with the auction feature in it. If that were done, they say, wealthy syndicates would come in and bid more for the use of this land than they could afford to pay and that the little man would be frozen out, either by large people from abroad or by large cattle or sheep companies. We recognized that there was a good deal of justice in that position, and so that there might be no question of the position of the stockmen on that question, we put in an express provision that they should not be put up at auction. If the provision were put in a bill that these lands should be leased by bids at public auction, very few stockmen would want the bill.

Mr. FLYNN. With reference to Oklahoma land, the cattlemen had been leasing pastures out at from 6 to 7 cents an acre. I was one of those who insisted that they should be put up to the highest bidder, and that was done and some of them leased as high as 40 cents an acre, and in every case the same company or man who had been leasing it at 6 or 10 cents was the man who bid from 25 to 40 cents for it. That does not exactly carry out your theory that outsiders would come in and get the land.

Mr. LUSK. I am aware of that, but the lands in Oklahoma are of much higher character than the general run—in fact, than 99 per cent of the arid range lands, which have been completely destroyed, or very nearly destroyed, by over stock grazing. That fact remains, that we would not bring any force in support of a bill that put up the leases at auction. Personally I might be in favor of it, but I could not advocate it, because undoubtedly in our association not one out of fifty would be willing to submit his recommendation to a bill that put the land up at auction. They are afraid of it, and there is very little of the land that they could afford to compete for.

In answer to your question, "Why do we put it out at a uniform rental of 2 cents an acre?" I would say that that would yield on land which rented—and it would all be rented—\$8,000,000. We put a uniform price in this bill because we could not attempt to put it any other way. There are places where the range is much better than other places. It varies, of course. One gentleman in the other House said that the people in a certain district in Wyoming will not consent to pay as much for the deserts as the people in western Nebraska, for instance, would pay for their lands, and he said, "I shall insist that there be a maximum rent, and the statute read 'not exceeding that,'" and the land to be graded by the Secretary of the Interior, and so rented. If that amendment goes into this bill, if you gentlemen of the committee think that it ought to be so worded, that there ought to be a maximum and the land graded by the Secretary of the Interior, all over the arid-land region, gentlemen associated with me, the parties interested, shall of course submit. We fear, however, that if it had to come to that step, that these lands all over the arid region had to be graded here and there by parties deputized by the Secretary of the

Interior for that purpose, that it would be many years before they got to the leasing condition, and the present deterioration of the range becomes still more marked and more fatal to our industry. That is the reason that we put it at a uniform rate per acre.

Mr. EDDY. I am not familiar with the conditions of the land in the States mentioned in the bill, but it strikes me—the general thing that strikes me—that certainly some of these ranges in some localities must be worth really four times as much as others. For instance, ten sections in Nebraska might be worth 25 cents per acre, and ten sections in some other State might not be worth a cent; it might be of no value at all.

Mr. LUSK. Yes, sir; it is true.

I would like an opportunity to present this bill very fully to this committee, because it is a most important measure pending from the West.

The CHAIRMAN. We can not spend any more time on it this morning, because it is time for the committee to adjourn. I think the committee has had it up frequently in a general way. We would like to have in a documentary form, included in this hearing, all the light we can get on the subject, and, in this connection, I would say that I have a number of protests and arguments presenting the matter very clearly the other way, showing the ruin that leases would bring on the country. The stenographer will include these in the hearing, and we will have them printed, so that both sides can be fully before us.

It now being 12 o'clock, the committee will have to adjourn. Our next meeting will be a week from to-day.

COMMITTEE ON THE PUBLIC LANDS,
Wednesday, February 5, 1902.

The committee met at 10.30 o'clock a. m., Hon. J. F. Lacey in the chair.

STATEMENT OF MR. F. C. LUSK.

Mr. LUSK. When we adjourned we were upon the question of the rental of the lands at 2 cents per acre and the reasons why the committee had fixed it at that price. I had also stated, however, that if this committee thought it wise to modify that and to fix some maximum rent or to leave the rental in the discretion of the Secretary of the Interior according to the amount of land rented, why of course that is a modification which we should be pleased to accept.

I now want to call your attention to what is really the vital feature of this bill, of any leasing bill. That is found in section 2, which provides a system of preference, and in the first place general preference that stockgrowers in the county as at present constituted, and as at present running and grazing their stock there, should have a preference right to lease the land in that county for their stock. In other words, that no one charged with the leasing power shall come along and take away from the ranchers and stock growers the land tributary to their land and use it and rent it to foreigners and outsiders. In other words, that would be a confiscation of the ranches in that particular locality. Now, excepting in Arizona and New Mexico, and some extreme parts where it is very warm, every stock growers' herd

is limited to what he can provide for on his ranch in winter. He has to have hay to take care of them and stock feed that is not hay, and provide for the storms in the winter. The conditions on the range are not what they formerly used to be. Since the winter of 1899-90 a man's herd of cattle and sheep is limited to what he can take care of in the winter, and this is especially true of sheep, which in the winter will be way down in Arizona and New Mexico and in the summer way up in Montana.

The first preference given here is to owners of cultivated agricultural lands for leasable lands abutting upon their freeholds in proportion of 10 acres of leasehold to 1 of freehold. That was suggested by gentlemen living in the Snake River locality in Idaho and by some others similarly located. If a man had a piece of agricultural land, but was not called a stock grower, just having his domestic stock, and if there was a piece of grazing land abutting on his land, he was to have the preference to that and turn his domestic stock upon it. Now, that does not affect so large a number as the following provision of the bill. That affects only here and there where there are people engaged in agricultural pursuits with grazing lands coming up to their premises. The preference given in lines 2 to 6 on page 2 of this bill is really the important and vital thing of this whole bill. That is the preference given to the freeholder who is also a stock grower. It is a man engaged in the stock-growing business—either cattle, horses, or hogs—and who is a freeholder in his county. That covers three-quarters of all the arid grazing lands.

Another quarter—the New Mexico and Arizona warmer country where such land is owned—is covered by a following provision, but that provision contained in lines 2 to 6 is the important preference right of this bill. That provision was adopted by the committee who drafted this bill after the most careful consideration. They desired to do equal and exact justice to every grower of stock of any size or condition. Herds of cattle range, a few, down as low as a hundred, but not many that low; two or three hundred would be more of a minimum, to 500. Then they go in their gradations up to 25,000, and of course there are a very few that go larger than that. The sheep herds go in precisely the same manner or bands. There is a minimum of 2,000 or 2,500 to a band, being the ownership of one stock grower, up to many thousands, fifty or eighty thousand in the hands of one person, frequently, or one company.

Now, it has never been suggested in any of the stock conventions—I was president of the Denver meeting and also the Pacific coast meeting at San Francisco, that represents nine-tenths of the growers in California, Oregon, and Nevada—it has never been suggested by any member, large or small, that these growers should not be treated alike, each according to his interest. The particular result of this bill would be, if adopted, that every small grower, growing one or two herds of sheep and three or four hundred to a thousand cattle, would take the whole amount of his preference right, and the large growers—the very large growers—would not take half the amount of their preference right. But still, as there is every grade—every sized herd of cattle and every sized herd of sheep—there was only one way to meet the approbation of all the stockmen, great and small, and that was absolutely uniform gradation.

The CHAIRMAN. Did you discuss the propriety of having a maximum limit?

Mr. LUSK. Yes, sir.

The CHAIRMAN. Why should there not be a maximum limit?

Mr. LUSK. You could never make a maximum limit without doing great injustice to all the large growers of sheep and cattle, the very large growers, and while I am upon that I want to describe to the gentlemen who are not familiar what constitutes the ranch of a large sheepman or a large cattleman. It is not one body of land, like an Eastern farm, being operated in one place. Take the very largest of them, where a man may own a hundred acres—that is not a solid body anywhere, but it is an aggregation of ranches. In one valley there will be 8,000 or 10,000 acres of arable land; that is, land for the raising of hay. This man will have a ranch here with two or three neighbors. He will have one-half, and some other person will have the other half, and then will come the next land that is owned by other parties, and then he will have another ranch in connection with some other people, and very frequently his cattle at these different ranches go under different brands. They range entirely in different localities with the brands of his neighbors that range in that locality.

The CHAIRMAN. That is the thing they complain of—that the tendency now under the present system is to the very large holders as against the small holder. Would not that increase it? For instance, I have 160 acres. I would like to have a big lot of Government land. I would like to rent a million acres, if I could pay a little rental and be a big man. I can not do it, because I have only 160 acres; but if you have 100,000 acres, as a matter of fact you would have the right and could lease 1,000,000. Should it not be the other way, the smaller the man the more land he could lease, instead of the bigger the man the more land he could lease?

Mr. LUSK. The land he can lease is limited by the land he owns, and therefore a man with 160 acres, if he had the right to lease 1,000,000, would not have the money, and he could not carry his stock through the winter. He would not have the hay with which to feed the stock during the winter.

The CHAIRMAN. Then the idea is to give the man grazing land in proportion as he would have land that would produce hay for the winter; but this bill would allow him to acquire from the railway company land that has no grass on it, that is practically a desert.

Mr. LUSK. It is required that he must be a stock grower, and he can not be a stock grower on sand.

The CHAIRMAN. I have 160 acres of good hay land and I want 1,000,000 acres. I can not rent it. The other gentleman can rent it because he has 100,000 acres. I go to the railroad and buy a lot of desert land at 10 cents an acre. If we adopt this plan should there be some limit according to the amount of hay land that a man has or the amount of hay land that he actually has in view?

Mr. LUSK. If I were speaking for myself individually, I would be perfectly willing to have a bill by which the land should be leased in each county to the stock growers according to their interests, in the discretion of the Secretary. Any of those general provisions give satisfaction and they would be carried out, but the small stock growers insist on having something tangible in the bill to show what they

are to get, fearing that the large stock growers would perhaps have too much influence with the agents of the Secretary who would be sent out to make the leases. I would be perfectly willing to have it determined on the amount of hay.

Now, let me say right here, and this is the real objection among the stockmen on the range, their real objection on the range is to what are called "range pirates" and "range hogs." That is to say, they call these people "range pirates" who put a great lot of cattle or a great lot of sheep into a country where they have no interests and turn them loose on other people. There is a very decided objection to that all over the range. For instance, I had a letter here a day or so ago saying that a man had brought 15,000 cattle to some place in Utah and had turned them out on somebody's ranch where he did not own an acre of land. They object very strongly to that, and think it is a good reason why there should be a leasing law. While I am on that preference, I want to call attention to the next preference in the following seventh and eighth lines. That applies to the warmer country, where they do not have ranches. Down in Arizona and New Mexico there is very little land owned by cattle and sheep men, but yet they have large herds of both, and they keep them out both in winter and summer, and that section is designed to apply to them, that the land shall be leased to them according to the discretion of the Secretary and his agents when they come to leasing to that class of men.

I want to say a word about this large class of cattle and sheep men in the Northern States. They are the pioneer stockmen. They are the men who went into the country before there was any settlement, when the Indians were there, and frequently had to fight them in maintaining their rights and going in in those early days. If they were good business men, they should have ranches scattered around in different localities in connection with others, as I have said, and they are just as much entitled to protection in the allotment of any range. They have it now absolutely. As it exists to-day the stock of everybody is ranging all over the arid lands in those counties.

Mr. KLEBERG. Would this bill materially change the present allotment?

Mr. LUSK. It would change it in this way: In my county, in Harney County, Oreg., there is ample feed for every herd of cattle, sheep, and horses that belong in that county, and we would be perfectly content, every one of us, without any lease law, if we could have that feed; but last summer there were 250,000 migratory sheep that came in from the mountains.

Mr. KLEBERG. The gentleman does not understand me. I mean at present there are legitimate ranchmen who have their stock there and who have borne the brunt of civilization on the frontier. Would this bill materially interrupt that adjustment?

Mr. LUSK. No, sir.

Mr. KLEBERG. Those 250,000 sheep came from outside, grazing on Government land?

Mr. LUSK. Yes, sir; from Idaho and Nevada, and some portion of them from some other places in Oregon. They come in the spring, stay in the summer, and pass away in the fall after having destroyed the feed and destroyed the range; and in that county they have driven many sheepmen out of business, and it is only those people who have

the ranches in that county now that lease that land and pay to the Government a rental for it.

MR. KLEBERG. Then there would be no material change from the present?

MR. LUSK. Not at all. They would have to lease to get the land. I would not care how the bill was framed. We must simply know that the lands should be leased to the present stock growers of the county in proportion to their interests in their own lands.

MR. JONES. Are the ranchers of your county asking for a lease bill?

MR. LUSK. A great many are and a great many are not. The stock growers generally, both the cattle and sheep men, as far as I meet them, tell me they want a lease bill.

MR. JONES. The small landowners?

MR. LUSK. Yes, sir.

MR. JONES. In my State they are all protesting against it.

MR. LUSK. What is your State?

MR. JONES. Washington. And I have received a great many petitions to that effect.

MR. LUSK. I know how a good many of those petitions have been gotten up. A petition has been laid down in a saloon in some small town, and the people around that saloon have signed it. I received a letter yesterday from Lakeview, in Oregon, and the gentleman told me how the petitions had been gotten up against this bill, and he said he would get a petition of the actual ranchers in that county in favor of the bill. I do not know whether he could or could not, but there has been opposition raised against this bill, kept up a good deal by the little newspapers, stating that while this bill is good for the sheepmen and the cattlemen, it is going to be a bad thing for the improvement of the country; that it will keep homesteaders out, and that they will not settle. At the same time we tried to present a bill that would give homesteaders every possible chance they could have under any circumstances on the land as it stands or as it may be irrigated or reclaimed in the future.

MR. MARTIN. In relation to this preference in the second provision of the bill, is it your interpretation that this preference was first for the benefit of the actual settler and cultivator of the soil and subsequently for stock growers who are not settlers?

MR. LUSK. Those who are freeholders.

MR. MARTIN. I am not speaking of settlers or homesteaders under the law, but do you understand and interpret that any preference is given to the actual cultivator of the soil or that he simply prorates in that preference with a stock grower who may be a freeholder?

MR. LUSK. He has preference ahead of any other person.

MR. MARTIN. Is that your interpretation?

MR. LUSK. Yes, sir; but it applies to abutting land only. But the other preference to stock growers can not apply to abutting land. In Harney Valley there are 30 people who have their farms joining each other. They are stock growers. They raise their cattle up in the mountains. There would be no range land abutting their lands, and they would have to have their leases in the place where their cattle habitually range.

MR. KLEBERG. Would there be any more trouble between the present stock rangeers there and the homestead settlers after the passage of

this bill than there is now? Is there not just as much trouble now as there would be if we passed the bill?

Mr. LUSK. There is a great deal more trouble now, because now, for instance, the men who brought these 250,000 sheep over the mountains fought among themselves, and they have had all manner of trouble; and there are little localities in that county where they have dead lines, driving them with rifles, these migratory sheep, although the sheep men have as much right as the cattlemen who are maintaining the dead lines. They moved one out and he said: "I will go to-day, but in a year I will come with a force and I will not go." This will answer a suggestion that was made here the other day. If the gentlemen knew the feeling in those countries, if they knew the conditions, they would be better able to judge the situation of the people.

It is utterly impossible for a large cattleman or a large sheepman to interfere with a homesteader. Put in that bill the strongest provision that can be made that the Secretary shall cancel the lease of any man who interferes in any degree with a homestead settler, and it will be satisfactory; any provision, no matter how strong it may be, that he shall not interfere, and to my own knowledge he can not interfere.

Mr. FORDNEY. Would it not be impossible for a stock grower to successfully carry on stock raising if he was compelled to buy this land?

Mr. LUSK. It would result in this. The very large and wealthy sheepmen and cattlemen could buy enough with what they had and what they would control, but a little man with two or three hundred or two thousand acres could not afford to go out in the range and buy a lot of land.

Mr. MOODY. There are some land grants through the territory that you speak of. Would those rights extend to the leasing privilege in this behalf?

Mr. LUSK. I do not know.

Mr. IRISH. The railroads are not engaged in agriculture.

Mr. MOODY. How about stock raising?

Mr. IRISH. In some instances they rent the land for agricultural purposes.

Mr. MOODY. Is there a railroad grant in Harney County?

Mr. LUSK. Yes, sir; but this is not intended to apply to them, and they should be excepted. It was not thought that there was any danger of it applying to them. There are three wagon roads in the State of Oregon. They were military roads established in the early days. They were not intended to come under either provision of this bill. They are not stock growers, although they do lease a portion of the land that is used for agricultural purposes.

Mr. MOODY. I think from reading the bill that they would have a right to the 10 acres of land for every acre of their holding?

Mr. LUSK. If they are stock raisers. It was not the intention of the bill to promote anything of that sort, and if it should be excluded in specific language I am perfectly willing, as everybody should be.

Mr. MOODY. This section reads:

That leases of such lands shall not be subject to bids. The uniform rental shall be 2 cents per acre per annum, payable annually in advance, and preference for such leases shall be given to owners of cultivated agricultural land for leasable lands abutting upon their freeholds in proportion of ten acres of leasehold to one of freehold.

That certainly would not exclude the railroads.

Mr. LUSK. That phraseology is open to double construction, but that was not the intention.

Mr. FORDNEY. What does the Commissioner of the General Land Office and the Secretary of the Interior say in reference to this bill?

The CHAIRMAN. This bill has not been referred to them, but in their reports the question is discussed.

Mr. LUSK. The Secretary of Agriculture is favorable to it, and the Land Office was for two years, but in the last year it has taken the opposite view. I do not know how the Secretary of the Interior stands.

Mr. MOODY. If all these lands are leased there will not be sufficient land for the homesteaders?

Mr. LUSK. I saw objection to that, and I examined the laws of Texas. They permit a lease of lands in lieu of a homestead and permit a settler to go in and buy a piece of land out of a leasehold, and they permit him to buy three times as much land as his homestead, or they permit him to turn out so many stock into the leasehold. The trouble with a homestead man going in and attempting to lease out of another leasehold is this: In any leasing under the provisions of this bill, or any other bill, a little man who gets a few thousand acres is going to come pretty near getting the best land, and if the homesteader would want to get into that identical place he would go on that little man's few thousand acres, and after he takes out a lease it would destroy the other man's lease. My judgment is that if protection is given to him it should be, as in the Texas law, by giving the right to turn a certain number of cattle out into the chosen leasehold, as they do in Texas.

Mr. MOODY. Then you are not in favor of giving him 10 acres for 1?

Mr. LUSK. Personally, I should have no objection to that. I would not want to bind my association by attempting to speak for them on that provision, because I can see that it would make a terrible confusion among the little leaseholds. The little man would get the best land, and then the homesteaders would want to go into the little man's land and destroy his lease.

Mr. JONES. The homesteader is really what we want.

Mr. LUSK. A homestead as a homestead, but not as a homesteader who would go in where a man never knew he could prove up.

Mr. MOODY. If we passed a law to encourage homesteading, would not that encourage homesteading and encourage men from the East to go West?

Mr. LUSK. If it was done in a way to comply with the homestead law and make his entry, but he should not be permitted to go in and file his homestead on a little man's place, or his homestead might be located right in the middle of the other man's land after he had fenced his leasehold and improved it.

Mr. MOODY. Why do you think he would pick out the little man?

Mr. LUSK. Because they would get the best leases.

The CHAIRMAN. These lands are all subject to homestead entry.

Mr. LUSK. Yes, sir.

The CHAIRMAN. But when a homesteader enters the land he has to live there five years.

Mr. FORDNEY. But the stock growers would hire men to go in and then lease everything and let it go when they get through with it.

Mr. MONDELL. Inasmuch as this bill, as now drawn, provides practically for twenty-year leases, any homestead entryman who went upon

or within a lease and made a homestead entry would have no grazing rights under the bill except on his 160-acre homestead for twenty years. Is not that true?

Mr. LUSK. That is true.

Mr. MONDELL. That being true, does not the gentleman think, as a matter of fact, there would be practically no homesteads made; that the danger is that it would crystallize present conditions and prevent future settlement, unless there is some provision whereby the homestead settler could have some grazing privileges?

Mr. LUSK. Put it down to five years without any right of renewal, but something to indicate that if the same land is for lease again that the person who has fenced and improved it shall have the preference right. Cut it down that way. Put in, if you desire, that the homestead man after he has been there a year shall have ten acres for one, or take the Texas view and say that the homestead man from the time he goes there shall turn so many cattle into the leasehold. Now, as a matter of fact, while we hear a great deal about homesteads, there is nobody who travels out there that does not know, they can not help but know it, that practically every piece of land that anybody could prove up and comply with the homestead laws has been taken and has passed into private ownership.

Mr. MONDELL. I think that is rather a sweeping statement, because I know that there are a great many places in the arid region where men are now making homestead settlements and are complying with the law. They are making homes by the construction of small dams and by the diversion of small streams, and by putting down wells and erecting windmills and pumping water in that way—by utilizing the water they have or producing water from below—and they are making homes now where in the past it has been considered impossible.

Mr. LUSK. There may be such places.

Mr. MONDELL. We do not want to prevent their development along those lines.

Mr. LUSK. Protect the homesteader in every way the wisdom of the committee thinks best. Give them the right to turn cattle onto the adjoining leaseholds, as in Texas.

The CHAIRMAN. What limit would you put on that privilege?

Mr. LUSK. In Texas it is 1 head for every 10 acres.

Mr. MONDELL. One head in the leasehold free for every 10 acres he buys, or in this case would enter under the homestead law?

Mr. LUSK. Yes, sir; or make it more liberal; make it 25 or 50. A man entering up a homestead on any of that arid land can not carry a large band of cattle. He can not protect a big herd in the winter. If you were to say he was to turn out 500 head into the leasehold, that would meet with opposition; it would not be right.

Mr. KLEBERG. Have you considered the Stephens bill? That is very much like the Texas law.

Mr. LUSK. It differs very materially with some features of the Texas law.

The CHAIRMAN. The Commissioner of the General Land Office, in his report on page 4, says:

The original homestead entries, final homestead entries, and commuted homestead entries made during the last fiscal year aggregated 111,390 entries in all, and embraced 15,455,057.46 acres for actual bona fide homes to American settlers.

Mr. LUSK. I am aware that the homestead entries were very large last year and I am aware of the cause. The cause is not that all of those are bona fide entries, nor are all the stone entries bona fide, or the desert entries. There is a big fight going on to get control of this range and to get control of the water of the streams. I saw those entries proved up in the land office. I saw people go on the land and make homestead entries and I saw them proved up, and I know that they have never complied with the homestead law, and a great part of that large number of entries is accounted for in that way. Then, there has been this effort with scrip, which has covered the water so completely in some places that now those people are objecting to leasing. They do not have to pay rent, and they are objecting to leasing.

Mr. KLEBERG. Do you not think that the water lands should bring more than the dry lands?

Mr. LUSK. Of course the water lands, as a rule, are now pretty well taken up; they have gone into private ownership.

Mr. MOODY. Do you not think that the homesteads made in the section of the country you speak of were mostly genuine; that the securing of water rights by stockmen was done with the scrip?

Mr. LUSK. A great many homesteads are not genuine that I have seen made, and that I know of being made throughout the country.

Mr. MOODY. Do you not think if we had greater facilities for transportation through Harney and other counties the demand for homesteads would increase legitimately?

Mr. LUSK. I think they have the lands pretty well taken up that would make homesteads.

Mr. MOODY. They are now because there are no transportation facilities, but with the transportation facilities they will have in a few years do you think that the demand for homesteads from actual settlers will increase very materially?

Mr. LUSK. No bill can be passed that interferes with homesteaders. Nobody understands that better than the association I represent do and the committee ought to protect the homestead men. If they prove their claims the general policy of the land laws will protect them, and the stock growers will lease the land and take it subject to any such provisions, which should not be so unreasonable as to destroy the value of the lease. After a term of a lease has once expired and the lessee has put up fences and made other improvements, it would not be proper to cause a man who was raising stock and improving his range to move in order simply to give it to some other man.

Take myself, very often the Agricultural Department gives me an unusual quantity of their forest grass seed, because they know I have the place to experiment with them and have unusual facilities for that purpose, and other people would do the same thing if they were protected.

In Australia the leases are for twenty-eight years, and they have to cut their fields in two and they use one field for pastoral purposes one year and one the next, and in that way they are promoting it up to its original condition, and a man is not permitted to go on this land unless he has a lease of considerable time, and I very firmly believe that if the leasehold system is once adopted that they would stick to it, just as they do in Texas and in Australia.

Now, there is one section in this bill that I want to call your attention to. It is section 7. It provides in the interest of those people who can not afford to fence great quantities of land, and who say, "We can not fence our land if we lease it, and we have to have some protection." The Foster bill made it a misdemeanor to trespass upon leased land, and I am advised that that is the law in Texas and in Australia.

The CHAIRMAN. Should there not be some provision in this bill to indicate the lines of the claims of lessees? There is no authority for the Secretary to make such requirements?

Mr. LUSK. We thought that the authority of the Secretary would be sufficient to cover everything of that sort. So we put in this section 7 a provision, which is in fact the simple law in almost all States, giving jurisdiction to the United States district courts, as is the law in the State of Nevada, their local law, but it would be seldom resorted to.

We can not give jurisdiction to State courts by acts of Congress. It would be seldom resorted to, but you can give United States courts jurisdiction for attachment of trespassing stock. That amounts to very little. This is mainly in the interest of the little stock growers who say they can not afford it, and they want some way to have the migratory stock kept off their range, something to enable them to force it off without going to the common law courts for judgment of trespass. The justices' courts are so weak in that country that one does not go to them very often.

We have endeavored in this bill to provide just as fully as possible that if this land is wanted for irrigation or reclamation work by the Federal Government, or the State government, or private enterprise, it goes out of lease. A gentleman said yesterday that he was afraid the bill was not explicit enough upon that one point. In section 8 it says: "And as to any arid lands that shall have been reclaimed and made subject to irrigation, under any system authorized by the laws of the United States or of any State, or by private enterprise and capital," that the lease shall be canceled. He said he thought that was not sufficiently definite. Not that the land has been actually irrigated, but that a system has been provided by which it can be irrigated, then it shall be canceled out of lease.

Mr. MOODY. Even if that system was provided after the lease?

Mr. LUSK. Yes, sir; we do not want to lease anything except the arid grazing lands while they are such. When they are taken as homesteads, or when they are irrigated or reclaimed, then let them go out of lease and let them be canceled.

Mr. KLEBERG. I would like to have some light on section 4, in reference to the revenue derived from the leases.

Mr. LUSK. That gives the whole fund to the Secretary of the Interior; in the exact wording of the irrigation bill, to be expended in "irrigation works for the storage, diversion, and development of waters, including artesian wells," that being the exact language of the irrigation bill, prepared by the committee of seventeen. In other words, the gentlemen are willing to lease this land and pay a rent for it, and are willing that you should take it out of lease and reclaim it if you think the land should be used for some other purposes.

Mr. ESCH. Provided that this bill pass, what revenue would it produce; have you any estimate?

Mr. LUSK. The Secretary of Agriculture says there are nearly 500,000,000 acres of land and that one-third of 1,000,000 acres are fitted for irrigation, and another statement I saw yesterday was that there would only be 100,000,000 acres of land leased under this bill. In my judgment, it would all be leased. At the outset there would be 500,000,000 acres leased.

Mr. KLEBERG. That would be an income of \$10,000,000?

Mr. LUSK. Eight million to ten million dollars.

Mr. FORDNEY. Why was this provision inserted in the bill:

Freehold rights under this section shall not apply to town-site property, and any lands deriving title from Spanish or Mexican grants shall not have freehold privilege except as to 20,000 acres in any one ownership?

Mr. LUSK. I will tell you, gentlemen, why that provision was put in the bill. It was stated by members of the association that were there from New Mexico that there was a Spanish grant in New Mexico, called the Maxwell grant, that owned at least 500,000 acres of land, and my impression is that it was a great deal more, and they were incidentally growers of cattle and that they should not come in for that 500,000 acres. It seems wise that they should not come in. Of course, through California and Arizona there are many Spanish grants.

Mr. KLEBERG. If this bill should be passed the land would be rented almost immediately?

Mr. LUSK. I think they would be.

Mr. KLEBERG. Within a year they would be rented?

Mr. LUSK. Yes, sir. There is a provision that if the people entitled do not lease the lands within six months after the time the land is ready to lease under the regulations of the Secretary, then he shall lease the land elsewhere.

Mr. FORDNEY. I do not understand this provision: "Freehold rights under this section shall not apply to town-site property, and any lands deriving title from Spanish or Mexican grants shall not have freehold privilege except as to 20,000 acres in any one ownership." Does not that give the ownership above 20,000 acres and limit it to nothing under 20,000 acres?

Mr. LUSK. No, sir.

Mr. FORDNEY. Does not that bill plainly say nothing below 20,000 acres and anything above 20,000 acres?

Mr. IRISH. I will explain the meaning of that. There may be in parts of that region, where Spanish and Mexican grants were originally located, men who have bought from the grants or derived title from the original grantees, and therefore who own more than 20,000 acres; they may own 30,000 or 40,000, the title of which traces back to the original grant, and the purpose of this provision was to permit him to acquire a freehold franchise to only 20,000 acres of land.

Mr. MARTIN. That would give him 200,000?

Mr. IRISH. Yes, sir; if he could find it.

The CHAIRMAN. You say that within six months if this land is not taken then the first applicant can take the balance of it?

Mr. LUSK. Yes, sir.

The CHAIRMAN. He is taking the balance at such a low rate—2 cents an acre, with the right of assignment and transfer—would not the balance go a little like our star-route contracts, that after letting the bids as to the original routes some general contractor will come in and

take the whole lot and sublet the lands, and lead to a tremendous speculation in leased lands, withdrawing them from homestead settlement, except the homesteader could go on and graze his stock?

Mr. LUSK. The object of that is entirely to force the people who are entitled to lease to lease, and that they can not stand in the way and use the land indefinitely on their preference. It gives them time to exercise their preference. There ought to be something to force the people who have the preference to say whether they are going to exercise it or not—that they can not stay there and use the land on their preference without paying a rental for it.

Mr. JONES. Does this bill allow a man to rent the land and sublet it?

Mr. LUSK. No; I think not. "All leases shall be subject to assignment or abandonment, in whole or in part, under such regulations as the Secretary of the Interior shall provide therefor." Now we take it, as a matter of fact, that he would provide that leases could not be assigned unless the appurtenances were also assigned. Of course you could not tie up property so that a man could not sell his ranch because he could not sell his lease.

Mr. KLEBERG. That would make the property utterly worthless?

Mr. LUSK. Yes, sir. Leave it to the discretion of the Secretary to know what regulations he should make as to the sale or abandonment of the lease. The abandonment would be very seldom; it would be only in extreme cases.

The CHAIRMAN. Then the word "appurtenances" should be inserted in line 4 at the top of page 4?

Mr. LUSK. Yes, sir.

Mr. MOODY. This section refers to limiting the pro-rata plan to 10 acres of leasehold to every one of freehold. Reduce it to 5 acres, and then the resident grower in that county is limited to that, but the large stock raiser who has herds here and there has the privilege that the other man does not have—he can go into other counties and lease tracts?

Mr. LUSK. I do not understand that, Mr. Moody.

Mr. MOODY. The large stock raiser has the preference that naturally the homesteader or the small stock raiser has not, being equipped to take advantage of that preference?

Mr. LUSK. You mean the homesteader that was not there?

Mr. MOODY. No, sir; one who is there. Say there are homesteaders enough to reduce the range lands to five acres to one, the large cattle-company people who are using the range would get the advantage because they would be in a position to lease large tracts in other counties?

Mr. LUSK. I do not see any such provision in the bill, and I do not think there is one.

Mr. MOODY.

The further preference to lands not leased under the foregoing provisions of this section shall be given to stock growers who were in actual use and occupancy of said lands during the year ending January 1, 1901, to be leased to them in proportion to their respective interests in and use thereof.

Mr. LUSK. What lands would be left if the prorating exhausted all the lands?

Mr. MOODY. There might not be any in that county, but in adjacent counties?

Mr. LUSK. That preference was designed to protect people in Ari-

zona and New Mexico where there is very little land owned, and where they can keep their herds out all winter.

Mr. MOODY. That gives them a preference that a located freeholder can not enjoy?

Mr. IRISH. That provision would meet the conditions in Arizona and New Mexico.

Mr. ESCH. Your bill practically covers all the arid and semiarid regions of the country?

Mr. LUSK. Yes, sir.

Mr. ESCH. And it develops a fund of about \$8,000,000?

Mr. LUSK. Yes, sir.

Mr. ESCH. This is to be devoted to irrigation?

Mr. LUSK. Yes, sir.

Mr. ESCH. Would this measure conflict with the general measure of irrigation?

Mr. LUSK. No, sir; 'it would simply submit a greater revenue to the Secretary.

Mr. ESCH. Would it not be sufficient, in fact?

Mr. LUSK. My own impression is that it would be sufficient, as much as they would ever spend in one year. It would be a steadier and better way, because the homestead revenue is diminishing; this would not diminish.

Mr. MONDELL. A number of the States are now leasing lands other than the State of Texas. Are those leases generally working satisfactorily?

Mr. LUSK. My report is that they are. Of course, there are no leased lands in Oregon, but in Wyoming I am told the applications are over 500,000,000 acres in excess of the land to lease. I have a statement prepared by parties in Wyoming to that effect.

I was told by a gentleman from Montana—a Congressman—that leasing has been made unpopular by the manner in which the State lands have been leased—leasing arid lands and fencing in the stream a little on each side, thereby controlling 4 or 5 miles back on each side.

Mr. FORDNEY. Do you claim that unless the Government does lease to the stockmen that it will be a hardship upon them?

Mr. LUSK. I have not gone into that argument. The ranches are deteriorating very rapidly and in many places are entirely gone now, so that the amount of stock they carry is inconsequential to what they formerly carried. That is, among other things, the reason of the extravagant price of beef at the present time and the high price of mutton as well, and those subjects have been investigated by the Agricultural Department, and in their bulletins, illustrated carefully, they have shown the decadence of the range, and that it should be reinstated and protected for the general good of the people.

Mr. MARTIN. Do you think there will be more or less stock raised upon this area under this law than there is now?

Mr. LUSK. There would be more and more raised. Mr. Porter, of Colorado, one of the most intelligent men in the West, and who is a large stock raiser, and who has been writing for the public press upon the subject for many years, says there will be an increase of about 4 to 1.

Mr. MARTIN. How do you reconcile that with your statement that the ranches are deteriorating?

Mr. LUSK. Because it will enable the people to protect themselves.

Mr. MARTIN. Do you think that under this bill there is every inducement to the actual settler to preserve his home?

Mr. LUSK. Yes, sir; but they can not do it at the present time, because the migratory sheep come in and strip the ground practically bare. It is certainly to the interest of the owners of ranches in the valleys to preserve the land, and that is what they want the lease law for.

Mr. IRISH. I do not desire to make any argument at this time, but when I return to Washington in three weeks I propose to present the physical features of this whole question.

I want to say this morning that I observe a good many petitions have been sent by various Eastern labor unions on this subject, cigar makers, and tailors, etc. These petitions emanate from Chicago through Mr. George Maxwell.

Mr. MONDELL. Who is he?

Mr. IRISH. He is a Californian. He is not a cigar maker nor a tailor, nor, in the judgment of some people out in our State who know him better than I do, a man of very much quality in many directions.

Mr. JONES. Is he the gentleman who is interested in irrigation?

Mr. IRISH. He is the original advocate of putting the provision for \$8,000,000 in the river and harbor bill for irrigation. He has fought every other proposition in the interest of the people in the Western lands. As to the petitions of labor unions, etc., I desire the committee to bear in mind that to offset them are the views of the National Live Stock Association, including the beef, cattle, horse, and hog men; the American Cattle Growers' Association, including all the cattle growers, large and small; and the Pacific Stockmen's Association. They are in that region, and they have their property there, and many of them were the pioneers in that region and introduced civilization into it. Certainly, when the Eastern cigar makers and tailors are petitioning against this bill, the committee should bear in mind that these men are on the ground, and have their investments there, and are entitled to equal consideration, and, in my judgment, superior consideration.

Mr. MONDELL. What is Mr. Maxwell's special interest?

Mr. IRISH. For several years he has been paid a subvention of \$30,000 a year by certain railroads to secure a provision in the river and harbor bill for an appropriation. I speak of knowledge now.

Mr. MONDELL. Do you not know it to be a fact that he has also fought those who have attempted to get an appropriation for irrigation in the river and harbor bill?

Mr. IRISH. Yes, sir; because it was not "per Maxwell." These labor petitions are presented without any knowledge of the physical or artificial conditions in that region. It reminds me of a conversation that I had with an old Irish friend who burrows down in a good claim on the bank of a river that passes through my place. A water company put a ditch down for the purpose of carrying the water down the valley for irrigation, and it was understood to be a distinct advantage to all of us. One day this man came along and I invited him to have a glass and a pipe, and, looking up at the side of the mountain, I said, "That is a fine ditch." He said, "Yes; it is a fine ditch, but they charge too much for the water." I asked him, "How much do they charge?" He said, "I do not know what they charge, but whatever it is, it is too much." So it is with nine and a half (I put the fraction in on account of the tailor petition) out of every ten men who have

signed petitions against the leasing of the public domain. They do not know what it means.

Mr. MARTIN. I want to state that I get many petitions and many letters, and I think nine out of ten of the actual settlers upon the public lands, who have been there a long number of years and who have claims, are against this proposition.

LEASING THE GRAZING LANDS—A BRIEF IN SUPPORT OF SENATE
BILL 3311.

[By Mr. Lusk.]

To the Honorable Committee on Public Lands of the United States Senate:

Senate bill 3311 is offered on behalf of the American Cattle Growers' Association, located at Denver, Colo. It is revised from the bill prepared by the legislation committee of that association, a copy of which will be found with the accompanying document, together with extracts from President Roosevelt's message and from bulletins of the Agricultural Department and report of the Secretary of Agriculture. The American Cattle Growers' Association is composed of cattle growers of the Western States and Territories, and depends upon individual membership. In its deliberations at its conventions the grower of a small number of cattle has the same vote and representation as the grower of a very large number. At a convention of that association, held in Denver last March, a resolution was passed, almost unanimously, recommending the leasing of the public grazing lands, and authorizing the president to appoint a committee to draft a bill therefor. The committee, as appointed, consisted of a gentleman from California, one from Texas, one from Utah, one from Colorado, and one from Nebraska, so that it might be composed of persons familiar with the conditions existing generally upon the grazing lands. They endeavored to frame a bill which would meet all those conditions as far as possible. This bill was introduced in the House, and is known as House Bill 7212. It has been revised by the committee, since it first became public, to meet the suggestions offered by the friends of the measure and to meet the objections urged against it; and, in its revised shape as Senate Bill 3311, it is referred to you.

I beg to call your attention to the accompanying document, that the same may be read in the light of these explanations.

The distinctive features of this bill, and the reasons why such features are incorporated therein, briefly stated, are as follows:

1. That the arid lands in the sixteen States and Territories mentioned in the bill shall be leased for stock-growing purposes.

2. That all leases shall be subject to the right of homestead and mineral entry under existing or future laws of the United States. And to more completely emphasize this provision, and meet the objections that have been made, the main additions to this bill have been incorporated. We desire to make it as plain as language may be that what we want is to lease the arid lands only as long as they remain such, and that when they are wanted for homestead entry they are to leave the lease; and also, as appears fully in section 8, that when any land in a leasehold is wanted on which to construct works for the storage, diversion and development of waters, including arte-

sian wells, that it is to be canceled from the lease; and that whenever land has been reclaimed and made subject to irrigation, then it also shall be canceled from the lease; and all this whether the land is reclaimed by Federal Government, State government, or by private enterprise and capital.

3. That leases of such land shall not be put up at auction to the highest bidder. This was inserted because stockmen, both large and small, would none of them support a bill if the leases were open to bid, as they are in the Indian Territory. They all fear, and naturally, that outside syndicates of people with large wealth would bid away from them the right to use the land on which they are now grazing their stock, by being able to outbid them in price per acre. This is a vital condition in the bill, and it could not otherwise meet with the favor of either large or small stockmen anywhere.

4. That the rental shall be the uniform sum of two cents per acre. While some is worth more and some less, it was thought by the association, through its committee, that a uniform rate would be best received and productive of the best results. Everyone leasing would have to lease some inferior lands and some worth more, and this, taken in connection with the varying condition of the lands all over the regions to be affected, made it appear, after full investigation, that a fair average rental would be two cents.

5. Another vital point in this bill is, that under the provisions of section 2 it endeavors to protect the present residents and stock owners in each county, so that they shall have the preference of the leasable lands therein situated, and thus prevent any influence being used which might lead in some localities to outsiders, not before interested in that county, being able to come in and control the leases, and either use them themselves or speculate with them; in either event depriving the stock grower of the county, who has suffered with the continually increasing deterioration of the range, from building himself up again and having the just benefit of its use, when it came on for lease.

6. Another vital provision is, that the bill protects equally, according to their interest, the small stock grower and the large stock grower, and all the intervening grades which imperceptibly lead from one to the other. No bill would be just, or have the support of the stock-growing interest, or have any chance of passage, which attempted to discriminate in favor of one class against the other. Therefore, it is one of the main objects of this bill that growers, of all sizes, are amply protected according to their interest, the man with the small ranch and small herd, just the same and to an equal extent with the large grower, who is a pioneer and frequently fought the Indians, maintaining his early rights, and has built up a large ranch, permitting him to carry a proportionately large lot of stock. And so that the condition may be fully understood, your attention is called to the fact that in nearly all the arid regions, except some peculiarly favored at the south, a man's flocks or herds are limited to the amount which he has of ranch room and hay to protect and care for them during the winter storms. These same ranches, large or small, on which the winter hay is used, must be kept clear of the stock in the summer so as to permit the growth and harvest of the crops on which the lives of their stock depend in the winter. To do this it must go on the range in summer, where it now feeds, in that proportion, and if leased the leaseholds follow in like proportion.

7. To attain the objects of equality, certain preferences have been given: First. Owners of agricultural-cultivated lands to have a lease of lands abutting upon their freeholds on which to turn out their domestic cattle. This was particularly required to meet the conditions such as prevailed upon the Snake River and other places. Second. The preference which gives to owners of freehold, who are also stock growers, the right to lease the grazing lands in their county, upon which their stock has habitually ranged, in proportion to their holdings. This, it will be noticed, does not require abutting land, as that would be utterly impracticable, as many a valley is occupied by a dozen or more stock growers, whose ranches, on which they raise their winter hay, abut on each other, and their range must be in the hills or mountains, not abutting, and often many miles distant. And so this preference does not apply to abutting lands, but is the main one governing the leasing, as most stock growers are owners of ranches to winter it on. Third, to cover the cases, of which there are many in the lower arid-land region, where little land is owned by the stock grower, because he can keep his stock out all winter, the preference is given to them, in lines 11 to 16 of the second page of the bill, to lease the land of which they have been in the actual use and occupation, according to their respective interests; and fourth, land not leased under these different preferences shall go to the first applicant.

8. A term of ten years is provided in the lease by the third section of the bill, with a privilege of renewal for a second term. The lessee will take these lands with the range practically all eaten out, and in condition hereinafter referred to. He could not afford to pay rent unless he could improve his range by reseeding it with the various forage grasses which the Agricultural Department is providing for us from all over the world, and especially by letting his leaseholds rest in part every year until they shall be restored to some semblance of their former fertility. And again, as to the question of fencing in such localities, the lessee could not afford to do it without the certainty of a term that would compensate him, although in a good deal of the arid region the material for fencing would be so expensive that the parties interested would rent and use together a certain range without fencing. As to the renewal, there would be no justice in turning off a man who was raising stock and improving his range, from a leasehold interest, simply to give it to another person.

9. We have asked that the net revenue of the leases, by provisions of section 4, be expended by the Secretary of the Interior in providing irrigation works for storage and diversion and development of water, including artesian wells, in the very country affected by this bill, which will result in taking of land so reclaimed immediately from under the lease and giving it to the actual homesteader.

10. Abandonment and assignment of lease are provided for in section 5, under such regulations as the Secretary of the Interior shall provide therefor. The lease is largely an appurtenance of the freeholders, and naturally should be freely assignable with the ranch, as the owner of a stock ranch could not sell it unless he could assign his leasehold interest with it.

11. Under the Foster bill, introduced in the Senate two years ago, for leasing of public lands, trespassing on a leasehold interest was a misdemeanor. There should be some mode of stopping trespass. As has

been already indicated, in many localities the lessee will be unable to fence his leasehold. By section 7, we have substituted for so drastic a measure as that in the former bill, the right to attach the trespassing stock and hold them for any judgment that may be obtained, as is the case in Nevada, and commonly through the States in some form.

Innumerable growers of sheep and cattle have become wealthy pasturing their flocks and herds on the public domain in the arid and mountainous region without paying to the United States any compensation therefor, and as long as that could be done they naturally would not desire to pay a rent to the Government; but by reason of this use of the range it is rapidly exhausting its value; that is, the grasses and forage plants that grow upon it and give it pastoral value. Every stock owner has striven to get all he could of the season's pasture, and this overcrowding has destroyed the forage completely in most parts of the region involved, and has greatly reduced it everywhere. Competition for the forage increases as the supply grows less, and in many parts of the region affected there is presented the spectacle of a great industry dying of famine and struggling desperately to escape its fate. In this process of stripping the range the whole West has suffered. By reference to the bulletins of the hydrographers and agrostologists of the Government your committee will see that as the vegetable cover is destroyed the desert advances, the meadow retreats, the country becomes more arid, the streams lose their steady flow, and the springs their affluence. President Roosevelt has vividly described the effects of overgrazing in the forests, and the same process is more rapidly destructive in the dry unshaded plains.

The stock growers themselves, long in eager pursuit of wealth by the use of this public property without cost, find themselves in sight of the destruction of their business, and with it the best and most economical method of producing meat for domestic consumption and the supplying of our important export trade. The number of cattle in the country decreases as the population increases, and the consumer finds beef rising rapidly to the class of luxuries. The increasing aridity that follows extirpation of the range forage is decreasing the means of irrigation and retards the settlement of such tracts as might be fertile if supplied with water. The only remedy for this serious economic and physical condition is that which, under precisely the same circumstances, was applied by the Australian colonies and Texas to their pastoral lands, leasing them to the users, compelling every leaseholder to occupy his own tract, which will result in his reseeded it to forage, and making him pay for the public property he uses. This is the purpose of the bill. It gives the present and future freeholder, agricultural and pastoral, a franchise to the public domain. The great semiarid region, if leased under the provisions of this bill, will renew its forage. The supply of stock from the ranges will again become more adequate to the domestic and foreign demand and a great industry will be rescued from destruction.

The best use of land is to support families by agriculture. To promote this the bill leaves every leasehold open to the homestead entryman under existing and future laws. It subjects every lease to cancellation, in whole or part, when required for the purpose of reclamation by irrigation, and stipulates that the lease shall not impede such irrigation or reclamation, whether by the Federal Government, State, or private parties; leaseholders' rights are subordinate

to any of them. The bill also provides that the annual rental, estimated at 8,000,000, shall go into the Treasury as a fund for irrigation to be used in the region where the leaseholds are situated. This feature is of great importance to the West, and its merit as a business proposition should commend the entire measure to Congress.

The objections to this bill, among others, are that it works the repeal of the desert and stone entry acts; such was not its intention, and if Congress show a disposition to except those acts, the parties asking for the leasehold would be compelled to submit. The fact is, however, that the stone and desert acts have been from their inception the instruments of fraud, and we think that the general impression all over the arid-land region is that they should be repealed, that they are used almost exclusively by large interests to obtain control of considerable bodies of land; and such is the view of the press and small owners generally. Again, it is denied in some quarters that the range pastures have deteriorated or been destroyed, but the heavy decline in range stock, and the official reports of the expert officers of the Agricultural Department, sufficiently refute this; and further objection is made that homesteaders will be prevented from entering leaseholds by persecution from the leaseholder. The regulations of the Secretary of the Interior, authorized by the bill, should inflict forfeiture of the lease as the penalty for any invasion of a settler's rights.

Finally, the issue is pressing. The stock industry is as important as any that has received the attention and care of the Government. It is the basis of great industrial operations and enters largely into our system of finance and credit.

If all the land which the many friends of irrigation believe can be reclaimed is in time brought under irrigation, the highest and best use, and only use, for the greater part of it will be for the raising of alfalfa and other hay for the winter use of stock that may range in the summer on the remainder of the arid lands under leasehold conditions.

The Pacific Stockmen's Association of San Francisco, which represents a great deal of stock in that State, Nevada, and Oregon, has approved and desires the enactment of this bill.

I ask the favorable action of your committee upon this measure at this time, and submit that it may meet with such report from your committee.

Respectfully,

F. C. LUSK,
President American Cattle Growers' Association.

COMMITTEE ON PUBLIC LANDS,
Wednesday, March 26, 1902.

The Committee on Public Lands this day met, Hon. John F. Lacey in the chair.

The committee had under consideration H. R. 7212, being "A bill to provide for the leasing for grazing purposes of the vacant public domain, and reserving all rights of homestead and mineral entry, the rentals to be a special fund for irrigation."

The CHAIRMAN. Colonel Irish, of California, desires to address the committee on the subject of the bill providing for the leasing for grazing purposes of vacant public domain.

STATEMENT OF COL. JOHN P. IRISH.

Colonel IRISH. Mr. Chairman and gentlemen of the committee, the form in which this bill is at present under discussion is the form in which it was introduced in the Senate. That bill contained amendments which were suggested by reasonable opposition to it and which were necessary for the purpose of perfecting its features. I appear as the chairman of the committee on legislation of the American Cattle Growers' Association. I see it charged by some opposition in the West that a very heavily endowed lobby is in Washington working for this measure. I know of no lobby; I certainly am not a lobbyist myself. The president of the American Cattle Growers' Association was in Washington in my company a month ago and had a hearing for two days before this committee, to whom he gave his views of the interest which he represented and answered, I believe plainly, fairly, and frankly, the questions which were addressed to him.

There are certain general considerations which I think should influence the action of this committee upon the measure, and which I think should be influential in its consideration by the two Houses of Congress. It is estimated that there are about 400,000,000 acres of land of the public domain west of the Missouri River that, as far as can be judged now, will always be fit for but one purpose and that is the grazing of stock. It is estimated by the irrigationists that there are about 100,000,000 of acres in that region of public domain that may be able to be cultivated by irrigation and that there are about 100,000,000 of acres which may be called timber land. The interest that I represent, the cattlemen of the west, is desirous that that forest land should be reserved, protected by the Federal Government as far as possible, because it is the shelter of the water sources of the country and the cattlemen are very anxious to preserve the water sources.

Now, at the beginning of the discussion of every measure relating to the public domain of the West lies the question of irrigation. A bill has passed the Senate and is before the House upon that subject. It is believed by the proponents of that bill that 100,000,000 acres of the arid regions may be subject to cultivation, and a fund has been provided in the bill which has been passed by the Senate, derived from the proposed sales of public lands, to be devoted by the Federal Government to the storage and distribution of water for the irrigation of the soil. I think myself that there are a great many expectations based on irrigation in that country that will not be ultimately realized if every acre that can be irrigated be brought into tillage by that means. When the climatic and physical conditions there are explained, a great deal of Eastern opposition to irrigation will be removed. It is the opinion of the Eastern farmer that the irrigation of lands there means the bringing of lands into competition with his own, and he, in fear that he by and by may be taxed to irrigate that Western country, is opposed to being taxed to bring land in competition with his own. The fact is, competition between those lands on the high plateaus and in the arid regions and the Eastern farmers' lands will never appear.

There are some choice places in the valley of the Arkansas, and in New Mexico and Arizona, and the Utah basin, and the valley of the Snake in Idaho that by irrigation may be subjected to intensified farming. There are places where it is already demonstrated that

sugar beets may be produced. We have at Provo, in Utah, and Sugar City and Rocky Ford, in Colorado, sugar mills already in operation, and others are projected, but these spots where intensified farming may be practiced by irrigation are very rare in that region. You can not raise cereals on that land for export because they will not bear transportation to market. So that wheat, oats, and corn from that region will not enter into competition in the markets of the world with the products of the lands of the Eastern farmer, and after you have spent all the money that can be spent upon irrigation and have brought every acre of land in that region into action by that means it will be discovered that owing to the physical conditions the most valuable use for a vast majority of the irrigated lands there will be the production of winter feed for stock. You read the report of the Secretary of Agriculture upon that subject and you will find that the irrigated lands throughout that region find their highest value and their greatest profit in the production of winter feed for stock.

Mr. ESCH. Would not the remoteness and the high freight rates render competition quite impossible as against the Eastern farmer?

Colonel IRISH. I have just said the physical conditions, aside from artificial conditions in the matter of freight rates and distance—distance, however, is not an artificial condition—will prevent that competition. The land, irrigated as I have said, will find its highest value to be in the production of winter feed for stock. Now, by irrigation we propose to allure there a population. That population will not be as dense as the irrigators expect, but it will be a very significant addition to the present population of all that region, and when we have allured the population there it will find its profit upon the irrigated lands, which under this bill they will purchase, will be in the direction of winter feed for live stock. Therefore, to furnish a market and bring this profit within its reach, and make a habitation in that region useful to the men who are inhabiting it, the summer range must be preserved to grow the stock to eat the winter feed.

You will learn from the reports of the Secretary of Agriculture that in many parts of that region the winter feed is put up ready for the stock to eat, but through the destruction of the summer range and the depletion of its carrying capacity the stock is not there to eat the winter feed, and the Department of Agriculture has already raised a voice of warning against that condition, and as a remedy for it has suggested precisely this measure which is now before the two Houses of Congress, that the stock-carrying capacity of the summer range be restored by putting it under leasehold protection, that it may produce the live stock to eat the winter feed and make the operation of the irrigated lands profitable. Now, as we go on and irrigate and destroy the summer range we are destroying the only means in all that region which will make the vast majority of the irrigated lands profitable to operate.

Mr. MARTIN. Is it your suggestion by the lease system, which you advocate, that more or less live stock would be held on your ranges?

Colonel IRISH. Ultimately vastly more. The ranges are being depleted and you will find by correspondence, which I am told has been had with members from Colorado, and you will find by reference to the bulletins of the Agricultural Department, Division of Agrostology, the stock-carrying capacity of the range is rapidly disappearing.

It is estimated by one gentleman in Colorado, whose name I do not have, but who opposes this lease bill, that the ranges are now disappearing at the rate of 5,000,000 acres this year through overstocking.

Mr. MARTIN. How, then, do you expect it will sustain more stock than at the present time by that leasing?

Colonel IRISH. Well, we have the experience of Australia and Texas, and of the protected range everywhere. Now the public domain is free to all, but human selfishness controls men in grabbing all they can of the summer feed, and the ranges are overcrowded. Every man wants to get all he can get which is free to all and for which no man pays anything, and the ranges are overcrowded. The cattle first deplete it materially and then the sheep come in and complete the destruction.

Mr. MARTIN. You say the ranges are now overcrowded, and still I understand that you think men or a company would lease lands and maintain more stock than is at present maintained?

Colonel IRISH. They would soon have these lands restored to such a condition that they would carry more stock.

Mr. KLEBERG. The idea is the grass would be restored and therefore they would carry more stock.

Colonel IRISH. Yes; as it is in Texas. It has been the experience in Texas. It has been reported the Texas range was so depleted that it required about 100 acres of range to carry a steer. Texas very easily some years ago changed her policy, which stopped the free use of the public domain, and adopted the leasing policy, so that all of her range now is protected under lease. The leaseholder desirous of increasing the value of his leasehold, desirous of making it carry more stock and bring him more profit, is, of course, caring for it, shifting his stock so that the forage plants may deposit the seed and renew themselves, until now it is reported to me on a Texas range that 20 acres will support a steer.

Mr. KLEBERG. Then there is another thing. People who care for their grass can know exactly how many stock they can graze and feed on it, and then they will raise a better class of stock. The other is a wildcat kind of scheme, where they would raise all kinds of cattle; where they go along and trust to luck, whereas now they graze their cattle systematically.

Colonel IRISH. They can graze them systematically because they know the capacity of their range and they can protect it, but they are improving, as we know, for Texas cattle are bought now and finished up on the northern range, where we are getting a superior quality of cattle from Texas because of the introduction of improved bulls of good breed. Texas is not furnishing the old longhorn cattle any more, but she is furnishing the best stock cattle in the United States that comes from a public range, and her stock-carrying capacity is quintupled, you will observe, as a hundred acres formerly carried but one steer and it now carries five steers.

Mr. MARTIN. You accomplish that by using less stock upon the range for a series of years, until the forage gets better?

Colonel IRISH. It is done by various means.

The CHAIRMAN. And by shifting?

Colonel IRISH. Yes; by shifting, as I have described.

Mr. KLEBERG. The experience is if a range is left for a year or so it

comes back, whereas if you keep grazing it constantly you have nothing—

Colonel IRISH. You have a desert.

Mr. BURNETT. The effect of it is to prevent that promiscuous grazing and allows a leaseholder—

Colonel IRISH. A leaseholder will graze upon his leasehold only with his own stock, and he will graze that leasehold as a wise farmer tills his farm.

Mr. BURNETT. No one else can trespass on him?

Colonel IRISH. Yes; a wise farmer farming his land wishes to retain and increase its fertility and not diminish it, and so does the leaseholder. His selfishness being appealed to, he will handle the leasehold in the same way to restore and not to destroy it.

Mr. BURNETT. Does not this cut off all promiscuous grazers—or what do you call them?

Colonel IRISH. Nomads. Yes; of course it does. They are the people who are completing the destruction of the country, because they injure their stock by driving and destroy the range as they go. The stockman who desires permanently to engage in the business will be compelled to quit or go and take a leasehold, and keep the stock on his own leasehold, and when he controls the leasehold he will proceed to improve its stock-carrying capacity.

Now, I understand, in some quarters the proposition is confronted with this. Ranges are being destroyed. I have my own observation and testimony, and I have the testimony of all the leading cattle and sheep men of the West to that effect, and I have the testimony of events. You take southern Utah. Southern Utah was formerly a meadow, with beautiful grass, very rich. It was fed out and made practically a desert. One year ago 50 miles of the western line of Colorado was patrolled by stockmen on horseback armed with Winchester and ammunition belts round them, keeping out the sheep from southern Utah, which had fed themselves out there and reduced the country to a desert, and they were being driven over into Colorado. Idaho had to protect itself by various sanitary laws against the invasion of the Utah sheep. Mr. Mondell knows the depletion of the range in Wyoming and the necessity for its protection, and it is a matter of common knowledge there on the part of stockmen of what we know is affirmed and confirmed in the reports of the Agricultural Department, in the Division of Agrostology, which ever since 1896 has been carrying on investigations, and has from time to time reported through bulletins, which I will take very great pleasure in having the Department lay before this committee.

Mr. JONES. I do not want to divert you at all, but I would like your judgment on a proposition sent to me this morning from the Cattle Association of Eastern Washington. They send a bill recommending the prohibition of any grazing or running of stock on the lands of eastern Washington, east the Cascade Summit between the 1st of December and the 31st of March of each year. Do you think that would help the range problem any?

Colonel IRISH. That means they want that country preserved for summer range; that is all. I will tell you the purpose of that. The nomadic sheepmen who own no land or headquarters may own half a million of sheep and may run them with Portuguese sheep herders, with men and dogs, into that country of eastern Washington and east-

ern Oregon in the winter when the snow is yet on the ground. They go in there, and as the snow thaws the sheep follow the receding snow banks right on, and as the herbage sprouts out they gnaw it to the ground and destroy the range for the summer. That is the object of this regulation that has been asked for. It is to keep out of it this nomadic class which come in and follow the snow and by the time the snow is all off they have stripped the range entirely bare and then they are driven somewhere else to the summer range, and it is to prevent that means of destruction of the range which they ask for.

The CHAIRMAN. What time would the grass seed annually?

Colonel IRISH. In eastern Washington it would seed along about June and July.

The CHAIRMAN. This would enable them to have it all eaten up from the 1st of April?

Colonel IRISH. Yes; all eaten up. You see these sheep, following the snow, nip it as it comes up.

Mr. JONES. The snow begins to get off the last of March, and where would this be a benefit?

Colonel IRISH. You are in the region of the Chinook winds, and the snow may go in January; at any time it might be left bare, and I know this practice of driving sheep into eastern Washington and Oregon in the winter and letting them follow up the snow, and as soon as the snow is off they leave there, and in going off as they are driven off they take everything.

Mr. JONES. The point which struck me was, and I know that country, is that the time limit would not be of very much benefit as given here.

Colonel IRISH. I think if you will inquire of some gentlemen who have sent that petition they will give you the reason that I gave, because I know that is the condition of the winter range in eastern Oregon, and you will find that is the reason they desire that regulation.

Mr. MOODY. These nomadic herds do not move until June?

Colonel IRISH. They go into eastern Oregon in December.

Mr. MOODY. And they come from Montana or Idaho?

Colonel IRISH. They come from Montana and Idaho, and they follow the snow.

Mr. JONES. They do not come into our section of eastern Washington—

Colonel IRISH. You will observe, if the snow protected the range there between December and the 31st of March, there would be no object for such legislation.

Mr. JONES. I do not see the particular benefit arising from this legislation.

Colonel IRISH. You will find if you inquire that the reason is exactly what I gave.

Mr. MONDELL. Do I understand that this is a region where snows fall heavily enough to prevent grazing in the winter?

Colonel IRISH. Not every winter, but a good part of it; of course, in the foothills it falls probably 2 or 3 feet.

Mr. MONDELL. What you are referring to includes the foothills region as well as the mountain region?

Colonel IRISH. Yes; east of the summit of the Cascade Mountains.

Mr. MONDELL. That would include the slopes which may be grazed before winter.

Colonel IRISH. You will see if they are asking for a regulation to prevent grazing during that time of the year, why, they must be grazing cattle on there, and I take it the reason is what I have given.

The CHAIRMAN. When the grass is dead, say on the 1st of April, and there is nothing but dry grass, what harm is there in grazing that dry grass?

Colonel IRISH. Not if there is any dry grass left over, which is not apt to be the case. In an open range very little of the forage is permitted to make hay on the ground, as we call it.

Mr. MONDELL. Is it not a fact that where there is reasonable grazing with the winter grass it is perhaps less harmful in that the grass has already gone to seed at the time?

Colonel IRISH. That is true. You see what the effect of that is. As you know, in the State of Colorado and all over that region where a man has got his range fenced and lets the forage grow for winter range, he lets the stock run in the open and lets the forage in the inclosure grow for winter range. He brings his stock in for winter range and he feeds them on this dry grass. That winter range being inclosed, and the grass having gone to seed on the winter range that is inclosed in that way and treated in that way, there is very small depletion in the forage; it maintains itself.

Mr. MONDELL. As a matter of fact, many of our stockmen have told me that the range in our State that was less depleted was the range that by reason of the absence of water in the summer could only be grazed in the winter, and a range that is never grazed to any extent in the summer and is grazed in the winter, when there is no snow on the ground——

Colonel IRISH. Exactly; when the seed is scattered. The seed perfects itself and is scattered in the process of grazing, and all such range as that where protected in the West fairly maintains its primitive vigor, but it is only a small fraction of the whole.

The CHAIRMAN. What proportion of the range there is supplied by annual grasses, if you know?

Colonel IRISH. By annual grass through seeding?

The CHAIRMAN. Yes.

Colonel IRISH. Well, you will get that information in the bulletins of the division of agrostology. Formerly a very large proportion of it was supplied with most nutritious forage by the annual grasses, but those have been exterminated by this process of close grazing, and then the live stock has taken itself to the sage and brush and to browsing and all that sort of thing, and have finally browsed the country bare. There are a lot of grasses, the various gramma grasses, and what we used to call in Iowa the "blue joint," but these have been practically exterminated.

Mr. KLEBERG. These grasses are most valuable and nutritious?

Colonel IRISH. They are the very best grasses for that range. The mesquite and the gramma are most valuable. Those have been exterminated by this process. Those are the physical conditions there. It is an arid country; the annual rainfall is low. The annual precipitation of moisture in any form is low. Nature made provision for vegetable life on these ranges, which are now returning to the desert very rapidly.

The desert is encroaching constantly upon meadows. Formerly in New Mexico, Arizona, Texas, Idaho, and Colorado, and throughout

all that region, their primitive condition was beautiful, productive, nutritious meadows, and through free use in common, the tendency of every man who owns live stock to grab all he can and pay nothing for it—why the statement is made, and I believe truthfully, that these ranges are being destroyed at the rate of 5,000,000 acres per annum, and they are being destroyed, and as forage grows less the battle for it is becoming more intense. A letter was written to the members from Colorado that was printed in one of the Denver papers, stating that the destruction amounted to 5,000,000 acres per year and that the murders committed in battles over that range in the West amounted to 500 per year.

Mr. MONDELL. Do you hold that that is a correct statement?

Mr. SHAFROTH. Do you think that is correct—that it amounted to 500 a year?

Colonel IRISH. I do not make the statement. It was made by a gentleman and printed in a letter in one of the Denver papers in February, which was said to have been sent to the members from Colorado, by a man who bitterly opposed these leases. He admits the physical conditions and admits the destruction of the range, and he admits the warfare that is going on for possession over the range, and he says that in that warfare 500 murders a year were committed. I do not say it.

Mr. KLEBERG. That was our experience in Texas. Do you remember the governor had to call an extra session of the legislature?

Colonel IRISH. Yes; I remember that you had a war there.

Mr. KLEBERG. Open war.

Mr. MONDELL. I simply did not want that statement to go on the record as being an absolutely truthful statement, because I think it is extremely extravagant.

Colonel IRISH. That is not my statement, but a statement made by an enemy of this leasing bill.

Mr. MONDELL. I think if it was divided by 10 it would still be probably an extravagant statement.

The CHAIRMAN. I would like to ask in that connection how long this warfare lasted in Texas?

Mr. KLEBERG. It lasted until the State of Texas passed a lease law.

The CHAIRMAN. I mean after the lease law was passed how long was this war maintained?

Mr. KLEBERG. It stopped at once. It was an open war.

Mr. MONDELL. We of the West appreciate there have been troubles and murders there over the question of range, but I would not like the idea to get out to the country that we are so lawless that 500 people a year were killed.

Colonel IRISH. My dear sir, I did not enlarge that idea. It was published in a Denver paper by an enemy of this lease bill.

Mr. MONDELL. I saw the statement.

Mr. SHAFROTH. I did not see the statement, but I would not suppose there were five men in my State murdered on this account.

Colonel IRISH. I kept account the year before last of the number of homicides in battles over the range, and there were 15 murders but the strife goes on. Men said in Denver on the 4th day of this month that every bite of grass their cows got had to be guarded and saved for them by Winchesters. One old man said, "I am tired of sleeping with a Winchester for a pillow; I want some regulation to make every man keep his own stock on his own ground," and various expressions

of that kind come to me. To show how a range is held at the present time I will read something also from Colorado. This is published in the Salt Lake Tribune, Monday morning, March 3. This is a letter from Ladore, Colo.:

We, the members of the Browns Park Ranchmen's Protection Association, do hereby proclaim and publish to the world our unalterable hostility to any land-lease scheme, either national or State. We claim the pasturage by rights belongs to the people residing in the community, and they, and they alone, are entitled to the use of it. We know that without an open range our ranches and homes are of little value, and to deprive us of or abridge our existing privileges is to take away from us our inalienable rights of the pursuit of health and happiness guaranteed us in the great Declaration of Principles and Constitution of the United States, and we will hold as public and private enemies any man or set of men, in Congress or out, who will in any way change or alter existing range conditions or abridge our range rights in any way whatsoever to the use of the public domain.

We claim that the people of a community are the only ones directly interested in the range, and that we, the people, are fully capable of settling local range disputes, and that only rich individuals, companies, or corporations are financially able to lease an amount of land sufficient to make live-stock grazing profitable, and they alone will be benefited, becoming still richer, and the people living in the community will be ruined. Therefore, be it known that all the means in the power of free-born American citizens will be used to prevent the leasing and occupancy of the public ranges either to home or foreign individuals, companies, or corporations.

Now, I made inquiry about that Browns Park Ranchmen's Protection Association. I found in the process of asserting their view of the law, that ranges in the public domain belonged by law to the people of the community, they murdered two men last year and destroyed a large amount of property in sheep. I found that they sent down to some large stockmen, whose ranges were adjacent, and asked them to levy recruits amongst their vaqueros, and to arm and send them up, and to send up ammunition, because they were expecting an invasion of men bringing sheep from Utah, and they proposed to kill them as they came.

In a speech which I made in Denver to the American Cattle Growers' Association I referred to this action of that range association, and warned them and all like them who were holding public domain for their exclusive occupation and use by Winchester, and by threats against life and by the taking of life, that if Congress did not choose to protect the public domain by a leasehold policy the shame of such a method of control would be taken off this country by some Federal law that would interpose a Federal statute to murder so that these men would not be tried by those who were associated with them in their crimes, but would be subject to trial at an outside Federal court, and would be brought before a jury and condemned for the crime committed. Now things of this kind are going on throughout that region and they intensify, as the range disappears, the battle for what is left, and as the disappearance becomes more intense every year the law of the range is the Winchester. I was told seated in my presence when I referred to that was one man who had assisted in the murders that were committed in Browns Park last year, and he put his hands up over his face when his crimes were denounced to him.

Now, that is one method of destroying the freedom of the range out there. Another method, as we all know, is by the illegal fencing in of the range. The range was extensively fenced prior to the passage of the no-fence law of 1885, but by sufferance millions of acres have been permitted to remain fenced contrary to the law; but the law can not always be violated. Violators of the law can not always be safe,

and the Secretary of the Interior now has ordered those fences to be taken out throughout all that region.

Mr. MONDELL. I do not want to interrupt, but, right there, have you noticed any change in public sentiment throughout the West, or any portion of the West, since the issuance of the recent order ordering the fences down?

Colonel IRISH. I think there is a decided change in public sentiment.

Mr. MONDELL. The reason why I ask that is that I received some little time ago a very universally signed petition protesting against any lease system.

Colonel IRISH. Yes.

Mr. MONDELL. And in very strong terms, not quite as strong as those used by the Browns Park, but along those lines. But recently, three or four days ago, I received from the gentleman who said he was mostly instrumental in circulating that petition and had written it, and was responsible for it, when he found that the fences on the public domain would have to come down by reason of the order of the Secretary of the Interior, he said that he took it all back and was rather inclined to think we had better draft a lease law.

Colonel IRISH. Yes; there is no question but what a change in public sentiment has been wrought by the prospect of the enforcement of the law to make every part of the public domain under our existing laws absolutely free to every citizen of the United States who chooses to occupy it.

The CHAIRMAN. Here is a petition we got the other day:

To the Honorable Senate and House of Representatives in Congress assembled.

GENTLEMEN: The following resolutions were passed by the Thomas County Stock Growers and Breeders' Association at a meeting on the above date:

"Resolved, That the fences now on Government land be permitted to remain.

"Resolved, That we are opposed to the bill now pending in Congress providing for the leasing of the public domain."

Colonel IRISH. Yes, exactly; if they keep their fences up they do not want any leases.

Mr. KLEBERG. Those men are already fixed.

Mr. BURNETT. He thinks it is all right to lease if he did not have the fences.

Colonel IRISH. Unquestionably.

Mr. MONDELL. They are fairly well fixed under the present conditions, but if the fences must come down, then the alternative was to lease.

Colonel IRISH. You will find that wherever the public domain is fenced.

Mr. JONES. Is the change of public sentiment occurring among those who already have their ranges fenced?

Colonel IRISH. No, it is not, because the American Cattle Growers' Association, which I represent here, is composed very largely of small cattlemen of the West. It is true that large cattlemen are members of it. But it is controlled by the small cattlemen, and by small cattlemen who have no lands fenced in, who are now using the range on the public domain that is open to all, and they are being driven out by the nomads who drive sheep upon them and destroy the forage for their stock. They want to protect themselves by leasehold. They are land-owners. They own land for the headquarters and they own land for the production of winter feed for their stock. But the land which

produces winter feed for their stock will be useless to them if the summer range is destroyed and they can not use it to produce stock to eat the winter feed. It is the small cattlemen who control that association, and it is the small men—freeholders in the West—who stand behind this bill, practically, and desire to see it become a law.

MR. JONES. The cattlemen of eastern Washington have passed resolutions very strongly condemning any leases, and sent them to me.

Colonel IRISH. Yes, sir; and some of your citizens up in Washington have been convicted by Federal courts of fencing in the public domain, and I am told fencing in of the public domain is quite extensively practiced there as it is elsewhere. But, now, gentlemen, think for a moment; the fencing in of a public domain to preserve the forage from destruction; the guarding of the public domain to protect the exclusive occupancy by the Winchester; the shedding of blood over a battle for its occupancy, all of those things are serious symptoms of economic trouble that afflict that entire country. Let us not quarrel with the symptom, but let us go to the seat of the trouble and administer medicine and cure it if we can. It means that a great industry upon which the profit of the corn raisers east of the Missouri River, upon which the great export trade in wheat products, upon which the cheapness of food to the domestic consumer depends—it means that great industry is being permitted to commit suicide by the condition of our land laws. It is gradually with accelerated speed becoming exterminated, like all great interests that are subject to the process of extermination. It has manifested a desire for self-preservation by trying illegally to fence in the public domain and by defending the exclusive rights over parts of that domain by the Winchester, even though the soil be soaked in blood in attempting such protection. Now, those are symptoms which should interest the Congress of the United States and interest the public, because behind that lies a great economic question.

MR. JONES. I desire to know whether your association holds any meetings around throughout the country other than their annual meeting.

Colonel IRISH. No, sir; the subsidiary associations do.

MR. JONES. It seems to me there was where you could accomplish your work and educate the people in the different communities to your ideas.

Colonel IRISH. That is the work we have been at, sir, continually. Now, the subsidiary organization of the Pacific Stock Men's Association, which met in San Francisco in January, in discussing this question carefully had this bill before it and unanimously resolved in favor of the bill. That association represents Arizona, California, eastern Oregon, Nevada, and some from Idaho.

The Western Nebraska Cattle Men's Association, numbering some 700 members, held its meeting in the latter part of February and discussed the measure, and they unanimously resolved in favor of it. When those stockmen, who represent thirty millions of investment in western Nebraska, resolved in favor of this measure, then the Chamber of Commerce of Omaha, who condemned it, held a meeting and turned around and indorsed it. Now, the reason of that was the bankers of western Nebraska warned them that if the decay of this industry went on, it was so interwoven with the system of finance and credits of the western part of the State it would cause a panic in the

*banks there and finally affect the banks of Omaha; so we see the enormous amount of business interests that have been built up from this live-stock industry. But this industry is eating itself up; it is committing suicide; and the fighting for it with Winchesters and the shedding of blood to keep it exclusive, as I have said, are only symptoms of a great economic disorder.

Now, Australia had these symptoms. She had it seventeen years ago. Australia found her entire live-stock industry dying away; found her exports of wool from Port Adelaide, which was her seaport, falling off to nothing; found her exports of frozen meat and preserved meats dwindling to nothing; found her ranges destroyed and depleted, and that great industry dying, and her whole arid region, the entire plain of Australia, returning to the desert. She took up the question in a statesmanlike way, and in consultation with the live-stock men themselves, arranged a lease system. Now, I have with me the details of the lease law, and I would like to leave it to go into your report.

The CHAIRMAN. What is the date of that law?

Colonel IRISH. It is about seventeen years ago; I do not know that this has a date.

The CHAIRMAN. Has it been remodeled or changed since then?

Colonel IRISH. You will see as I read on.

Pastoral leases.—Unlimited as to area, but limited to twenty-eight-year term; rental to be fixed every seven years by appraisalment. These leases are for the purposes of grazing, and cover the range country. The lease may be surrendered at the end of any seven-year period by giving notice to land board. In addition to the pastoral lease is what is known as the "occupation license." This license permits the lease of land for grazing by the payment of a fee of not less than \$10 per section, and is good only for the current calendar year, all licenses expiring on December 31 of each year.

Now, in Australia they provided pastoral leases of twenty-eight years tenure, and what has been the result? I have here a comment upon the land laws of Australia by Col. John F. Hobbs, editor of the National Provisioner, of New York, who spent a great many years on the stock ranges of Australia, and he says:

The acts of the Australian parliament which provide for and regulate the leasing of these grazing lands in the "back blocks," as well as those in other parts, are really formed after consultation with the squatters (ranchers) and after an investigation of the condition of these ranches. In fact, the various acts of the parliaments, from time to time, are but a series of improvement stages in legislation which are suggested by the experience of the pastoralists themselves, and are intended to perfect the system and the conditions of the Crown land lessees. In other words, the Crown tenants of the arid as well as of the other districts virtually made these laws to fit the grazing conditions as they found them by coming in practical contact with them. It would be but natural, then, that the live-stock men and others who worked to perfect this leasing system and adjust as near as possible all the requirements of the grazier should be measurably satisfied with the general law governing his lease and his tenancy.

Free ranges in Australia were the most unsatisfactory of all ranges. Under the free-range system cattle "duffing," outlawry, confusion, and range jumping were the inevitable fruits in the "back blocks." For the greatest security the Australian "squatter" would prefer a freehold title to his property, but where the Government will not give that, the very next best thing in his estimation is the Crown lease, with all of its conditions for renewing leases, payment for improvements, etc.

Thus you will see the Crown tenant prefers the freehold first, the leasehold next, and the free range last of all. With either of the first he has some protection for his stock and some chance for himself and for his family; in the latter case he is only prospecting for some "green-eyed" competitor. I found very rare exceptions here and there throughout New South Wales and Queensland where any objection was raised to Crown leasing; the only objection being urged to leases for, say, fifteen

instead of twenty-one years. The lease system has done more to develop the arid districts and to build up the live stock industry of Australia than was ever done by either the freehold system or the old "back blocks" free-range system. That is the impartial view of it.

Now, you will observe from this that the men engaged in this industry were consulted by the Australian Parliament in framing the law to restore it from its depleted condition. Here I come and I find in the Congress of the United States and among the people of the East, and appearing in the protests which are filed before this committee, a general and prevailing opinion that the live-stock men of the West are men who are not worthy to be consulted in framing laws that will restore their interest, either to protect it or develop it, or diminish it or destroy it. Now, gentlemen, that is wrong. Those men are the pioneers of that country. As Mr. Mondell knows, throughout all that country the miner, the mineral prospector was closely followed by the live-stock man. Every large stockman that I know west of the Missouri River began as a small stockman, and an energetic and courageous pioneer in the district which he now occupies. In your State, Mr. Moody, those pioneer stockmen fought the Indians. They had their cattle killed and their vaqueros killed by the Indians in Oregon, as they had them in California in the Modoc troubles.

Mr. MOODY. But the small settler now universally opposes and the National Live Stock Association is in favor of this leasing.

Colonel IRISH. That may be true, but one reason for that is that the small settler has never seen the bill and does not understand how completely it protects his rights.

Mr. MARTIN. However that may be in Oregon, in my own State of South Dakota I have taken great pains to send copies of this bill from the beginning among them, and the protests are, if possible, more insistent since they have seen the bill than before. I do not know of an association of small stockmen in South Dakota who favor the bill.

Colonel IRISH. What reasons do they give?

Mr. MARTIN. For the reason they think the bill is drawn for people who want to acquire a holding of twenty years to these grazing lands instead of permitting them to be used for the benefit of settlers.

Colonel IRISH. How used for the benefit of settlers?

Mr. MARTIN. There is no proposition in the bill at all to permit settlement upon the public domain.

Colonel IRISH. I beg pardon. The bill absolutely leaves the entire public domain open to settlement.

Mr. MOODY. But does not it prohibit it by granting the leasehold? A man can take 160 acres for a homestead, but he is not allowed the privilege of taking the land tributary to it for pasturage.

Colonel IRISH. My judgment, as a matter of law, is that the very moment a man becomes a freeholder through homesteading he acquires all the franchises of a freeholder, 10 acres of leasehold to 1 acre of freehold.

Mr. MARTIN. Suppose he acquires it after the lands are leased, then they are leased for ten years with the privilege of renewal?

Colonel IRISH. I am perfectly willing you shall put that safeguard in the bill.

Mr. MARTIN. But we are referring to the bill as prepared. What I was saying is there is no protection in there whatever to prospective homestead settlers.

Colonel IRISH. My judgment is, as a matter of law, that the homestead settler acquires freehold and acquires with that freehold every franchise granted in this bill. Now, if you want to say he acquires it, say so. By the way, Mr. Chairman, did you receive from the American Cattle Growers' Association from Denver certain amendments to this bill proposed and recommended there?

The CHAIRMAN. I think so.

Colonel IRISH. If you can refer to them you will find the amendments cover this very point.

The CHAIRMAN. There is one blemish in the bill and that is in regard to the right to lease to freeholders. That would preclude a mere homestead settler who has not obtained a freehold, but that could be easily met by giving him the same rights as a freeholder.

Colonel IRISH. My recollection is that is intended to be met by one of the amendments forwarded. I have an amendment myself to suggest, by the way, which I must not forget. The questions which come to me necessarily must render my talk rather discursive, but as the committee understands the reasons for it, I make no apology for that.

Mr. MARTIN. I do not desire to direct your talk in any other channel, but I suggest you have thus far very properly set forth what you consider the condition in the Western country.

Colonel IRISH. Physically and economically.

Mr. MARTIN. Of course we from the West are very familiar with the conditions. Now, those of us and all of us who have examined the provisions of this bill would like before you have finished for you to give us your ideas as to in what way the bill meets those various conditions.

Colonel IRISH. I will be very glad at another hearing to review the bill section by section. My desire to-day was to talk of the general economic and physical conditions which dominate this question and the conditions which I think should be accommodated in some way by a Federal law.

Mr. MONDELL. Is it not a fact that a very few years ago the various cattlemen themselves, who are now favoring leases, were very generally inclined to view with disfavor any specific lease?

Colonel IRISH. Absolutely they were.

Mr. MONDELL. And is it not also true now we are confronted in the West very largely with the fruits of the argument which those same men now make?

Colonel IRISH. Undoubtedly.

Mr. MONDELL. Now, that being true, is not a general effort being made to educate public sentiment throughout the West on the subject?

Colonel IRISH. Yes, sir.

Mr. MONDELL. That is to give the people a clear idea of what is intended?

Colonel IRISH. Yes, sir. To give you an idea of the extent to which that process of education has gone, two years ago in March I went to Denver, where a large meeting was held in the Taber Opera House, called together, I think, by Mr. Harris, who opposed this lease proposition, and speeches were made by Mr. Patterson, Governor Thomas, and others at that convention. They appointed a committee and adopted very drastic and epithetical resolutions against leasing, and after the adoption of those resolutions they discussed them for two days. At the close of the second day they invited me to be heard. I

addressed them on the subject, and my address was simply bringing before them the physical and economical conditions as they all knew them to exist. After they had listened to that fully one-third of those gentlemen waited upon me and said that they had been mistaken in their position; that they thought it would hurt the live-stock industry instead of protecting it.

This year that same association met in Denver in March, and they passed a resolution against leasing. The next day the American Cattle Growers' Association met, and Mr. Conrad Shafer, who was a member of the other association and also a member of the Cattle Growers' Association, came in there and listened to the discussion of the lease proposition, and at the close he got up and he himself made an exceedingly strong speech in favor of leasing and said that no discussion had been had by the Colorado association; that it was introduced only five minutes before adjournment; that it was not discussed, and that it was passed without any consideration, and, in his judgment, it was a mistake. Now, there came into the American Cattle Growers' Association this year at least 50 gentlemen, who heretofore had been opposed to leasing, and they came now in favor of it, and very strongly in favor of it.

Now, Mr. Mondell, in former days in your State of Wyoming, when it was absolutely the best grazing region and one of the finest in the world, men did not look forward to a depletion of its capacity. They thought it was always going to remain just as it was. You know the great cattle companies, what enormous holdings they had, and what were sold to Scotchmen, and all that kind of thing. Now, in those days they resented any interference with the free use of the public domain. They were unacquainted with the physical conditions; they did not know that the annual crop of forage depended for preservation upon annual seeding and care; they did not know any of those things. They thought they had a good thing and could always keep it; that nature was always going to give milk from year to year without food, and they made a mistake. Now they find they made a mistake.

We know the physical and economic conditions, we know the struggles of that dying industry throughout all that region, and, knowing these things, it is the duty of the Congress of the United States by wise legislation to conserve the efforts and resources of nature there to preserve this industry, and I tell you gentlemen under this lease system you will see results produced that have followed its introduction in Australia and have followed its introduction in Texas. You will see law put in the place of lawlessness and order put in the place of disorder. You will see respect for the rights of persons and property put in the place of disrespect and disregard of those rights, and you will see the restoration practically of the primitive conditions of all that meadow country, and you will see permanently preserved to this Republic a range country more valuable than any other range country on earth, exceeding in capacity and value the pampas of Argentina and the grass lands of Mexico or any other country on earth. It is the duty, I take it, of the Congress of the United States, by wise legislation, to prepare for those conditions and for their permanent preservation. Now, what is going on?

The CHAIRMAN. Before passing from this, Have you taken occasion to investigate the leasing system of the States as to their lands and the effect of that as an object lesson?

Colonel IRISH. The effect of leasing State lands from Nebraska, Idaho, and Montana—well, those State lease laws are very defective, very badly guarded; they do not protect the rights as we would want to protect them; but going to the physical effect, Mr. Chairman, the physical effect of those lease laws upon the land leased has been to restore its stock-carrying capacity, to make them constantly more valuable to the leaseholder and make them of far greater value to the fee holder, which is the State. There is the object lesson.

The CHAIRMAN. Why do not these people refer to and cite the effects of this system if it is a good one?

Colonel IRISH. The men who are enjoying State leaseholds are contented that the United States domain around them should go to desert and could carry no stock, because that protects and increases the price of stock they produce on their own State leaseholdings. They are indifferent. They are not going to come here and talk about it. But it is a continual object lesson, especially to men who are grazing stock on the public domain and seeing it is starving and eaten out every year. Texas is an object lesson to which I fearlessly refer the Congress of the United States, and when it is said out in that region, as the opponents of this leasing system continually say, "We grant the conditions; we grant the range is being destroyed; we grant the domain has ceased to be a meadow; but it can not be stopped; there is no way to stop it."

I want to know whether it is true all of the statesmanship of this country and the great scientific knowledge of physical conditions and the great scientific knowledge of the serious results of an interference with the equilibrium of nature—I wish to know whether all of this wisdom is confined to the Commonwealth of Texas. She stands up like Pharos, like a light-house, as a monument to the people of this country in dealing with the public domain belonging to the United States and the ranges thereupon. There is an object lesson in Texas. Go and see Texas and inquire what condition the land was in when the policy was adopted, less than seven years ago, I think?

Mr. KLEBERG. About seven years ago.

Colonel IRISH. Take their condition then and see the improvement in it. We are getting all our fine range stock from Texas because the man on the domain of the United States not under fence has no object in keeping up the breed of his stock. If he takes up with fine Hereford bulls, they are very soon used up, and you can not restore their capacity after they are destroyed in that way, and all the fine stock we are getting comes from Texas. She is preserving her range, that not only yields a large annual revenue, but she is preserving it permanently, and by preserving it is vastly increasing her wealth and the wealth of her people.

Mr. MONDELL. In a speech made by Mr. Stephens, of Texas, in the last Congress, I think he made the statement that under the lease system in Texas the average size of the herds was decreased and the number of stockholders in the same territory had increased and the caring capacity of the range has also largely increased. There is no difference on that proposition, as you understand it?

Colonel IRISH. You state he said the herd of stock had decreased?

Mr. MONDELL. That the average size of the herd had decreased.

Colonel IRISH. Yes.

Mr. MONDELL. The only argument used and generally used against

any leasing system, and particularly against this bill and against any other bill, is that any lease system tends to drive out the small stockmen and to increase the size of herds, and Mr. Stephens stated in Texas the result had been the opposite.

Colonel IRISH. Exactly.

Mr. MONDELL. I think he stated that the average size of the herd had decreased.

Colonel IRISH. The number of herds had increased and the number of stock owners had increased and the population of the grazing regions had increased. Those are incontestible facts.

Mr. KLEBERG. A lease law protects the small owner as well as the large owner?

Colonel IRISH. Yes, sir.

Mr. MARTIN. Are you familiar with the facts in that regard, and do you state the fact is in Texas that the size of the herds under one ownership has declined in the last seven years?

Colonel IRISH. That opinion, I think, was that of Mr. Stephens, of Texas, who appeared before this committee.

Mr. KLEBERG. That is my impression; I have not made a special investigation recently, but I know it has materially elevated and improved the stock-raising interest in bringing in a large revenue to the State, and stopped predatory grazing and a state of lawlessness.

Mr. SHAFROTH. Do they have a uniform rate per acre?

Colonel IRISH. It is not uniform.

Mr. MOODY. Are these lands capable of cultivation?

Mr. KLEBERG. Some are, but that does not affect the statement at all.

Colonel IRISH. It leaves it open, like our bill.

Mr. KLEBERG. Whenever you have lawful conditions there will be no trouble for the small settler to secure his rights, but where you have revolution and rebellion, of course he has no showing.

Colonel IRISH. Now, I will thank the committee for another hearing, in which I would like to discuss with the members of the committee the provisions of the bill and explain my ideas of the application of those provisions and the conditions which they are intended to meet.

The CHAIRMAN. I will say this: I presume the purpose of this committee in having this public and general hearing was to get all the light they can in a general way. If the committee then concludes they ought to report some kind of a bill, there would be a subcommittee appointed to go into the details, and if they conclude there ought not to be a bill reported, then it would not be necessary to go into the details.

Mr. JONES. I would like, myself, if the Colonel could take up the bill in detail and explain the provisions, because I think by so doing that could be put in pamphlet form and would answer a great many objections presented to the bill.

Colonel IRISH. I will be very glad to do that. I wish to close now, thanking the committee for its attention, by suggesting an amendment which I think should go in the bill which I desire to be put in by the Secretary. It is complained by gentlemen representing land-grant railroads in the West that this bill may do harm to them. For instance, that men may come in and lease alternate Government sections and that will give them control of the intermediate railroad sections and practically destroy the value of those sections to the land-grant roads. I have held a different view entirely—that it would facilitate the handling of the grants by the land-grant roads—but this objection is made, and

inasmuch as made by those interested in it, I considered it a valid objection and it would not be the purpose of the United States, having given these grants to these roads, by subsequent legislation to destroy their value. They are entitled to justice and fair treatment, the same as all other citizens of the United States, natural and artificial.

Mr. MOODY. They can take 10 acres for 1?

Colonel IRISH. They can not do that, because they are not agricultural freeholders and they are not pastoral freeholders, and that is avoided by one amendment that we sent from Denver, which is with the secretary. I now have to suggest this amendment in order to protect them in the value of their lands:

Within the grant lines of land, grant roads, and railroads, the provisions to this act shall apply only to such lessees as by prior lease of or freehold title to the intermediate grant sections control the same without prejudice to the original grantees.

I wish to file that with the secretary, which, I think, meets that point. I have no desire to do any injustice to any railroads throughout that country, which have added so much to its prosperity by affording the means of transportation.

I thank the committee for its patient hearing and I will be glad to appear again and discuss in detail the provisions of the bill. My idea, as I said this morning, was simply to deal with the physical and economic conditions and to draw the attention of the committee to the object lessons which are afforded on the ranges of Australia and on the ranges of Texas. I thank you.

Thereupon the committee went into executive session.

RESOLUTION PASSED BY THE AMERICAN CATTLE GROWERS' ASSOCIATION MARCH 6, 1902.

We, the American Cattle Growers' Association, in convention assembled, indorse without reserve Senate bill No. 3311, for the leasing of the public arid domain for grazing purposes, and beg our Senators and Congressmen, irrespective of party, who have the welfare of the West and the public economy of the nation at heart, to support and aid this measure, originated for our benefit and relief, with the following amendments:

Proposed amendments: Page 2, line 6, "Homesteads on surveyed or unsurveyed public domain taken up in good faith prior to January 1, 1902, shall be beneficiaries as freeholds hereunder."

Page 3, line 1, "Land-grant roads and railroad corporations shall derive no rights as freeholders, or otherwise, under the terms of this act. But purchasers of land from such corporations, otherwise qualified by the terms of this act, shall be beneficiaries hereunder."

The above resolution was unanimously passed at the annual convention of the American Cattle Growers' Association March 6, 1902.

F. C. LUSK, *President*.

H. W. ROBINSON, *Secretary*.

TO THEODORE ROOSEVELT,
President of the United States:

Whereas many stockmen and agriculturalists of the arid West have inclosed by fence with their deeded lands portions of the public domain adjacent to their freeholds, many of such incidents antedating the act of 1885; and

Whereas the following reasons are among those accountable therefor:

That the settlers' live stock may be kept at hand where they may be guarded from theft and wolves and be cared for in a herdsmanlike manner.

That they may be fed in winter at the limited hay stacks of the ranchman, and not roam without limit over vast prairies, where they perish or may be lost in the great aggregation of drifting herds.

That they may not, if infected with mange or other ailments, impart and spread it throughout the country.

That inclosed and separate they may be at rest, thrive, and fatten, where wandering they are constantly rounded up and inspected by those seeking their own brands.

That water may be afforded them near at hand, artificially as well as by streams, which can not be done if thousands may come to one windmill with its small tanks—sufficient for few—only disappointment to thirsty thousands.

That the small ranchman especially, as well as the stock grower of larger means, may by a moderate investment in fencing not only save the lives of and benefit his cattle, but save an expense impossible to the poor and extravagant for the well-to-do.

That the tramping of thousands of hoofs may not break down and wear out the grasses, unlike the East, dry and cured upon the prairies after June, and therefore steal by the constant tread that which the stomach should have. Without fences, colossal waste, yes destruction of nature's primitive supply is the only trace of what should be man's progress.

That for humanity's sake man may treat his dumb creatures with reasonable humanity.

That he who is burthened with debt may be able to borrow upon his inclosed herd—but roaming, is answered by the money-lender that to loan on fishes in the sea would be as secure as upon herds drifting at will over boundless prairies.

That the law of 1885 has never been generally enforced, though cognizance was had by those in authority that fences were maintained upon public domain, and therefore for the benefit of many and the detriment of few such fences abound throughout the arid sections.

The immediate removal of such fences by sweeping action of the Government will cause the calling of loans, and hence financial panic, thereby not only ruining countless home makers of the arid West, but in the time of its prosperity will wipe out large portions of a great industry, the sole means of support of thousands of honest and otherwise law-abiding citizens.

The leasing of the arid public domain, under proper safeguards, for the use of those who now occupy it will relieve the situation, thus protecting the forage and restoring the range's departing vigor, inviting settlement and enterprise, serving the material interests of all the inhabitants of the arid region, and the economic interests of the whole nation, and substituting law for lawlessness.

That this may be accomplished without unnecessarily distressing our people or their industry: and

Whereas it is now imminent that the Government intends the removal of all fences from the public domain: Now, therefore, be it

Resolved, That we, the members of The American Cattle Growers' Association, in convention now assembled, do most respectfully petition Theodore Roosevelt, the President of the United States, to immediately stay further proceedings in the Interior Department that are now, or may be, directed toward the removal of fences from the public domain until time is had to pass appropriate legislation pertaining to the leasing of the public lands.

We urgently ask each of the United States Senators and Congressmen from the arid States, without respect to party, to unite in the presentation of this petition to the President and use their best efforts in our behalf in this emergency.

Unanimously passed at the annual convention of the American Cattle Growers' Association, March 6, 1902.

F. C. Lusk, *President*.

H. W. ROBINSON, *Secretary*.

COMMITTEE ON THE PUBLIC LANDS.

Wednesday, April 16, 1902.

The Committee on the Public Lands this day met, Hon. John F. Lacey in the chair.

LEASING GRAZING LANDS.

The CHAIRMAN. Here is a letter from the commissioner of the general land office of the State of Texas, addressed to Hon. Rudolph Kleberg, which will be inserted in the hearing.

GENERAL LAND OFFICE, STATE OF TEXAS,
Austin, April 8, 1902.

HON. RUDOLPH KLEBERG, M. C.,
Washington, D. C.

DEAR SIR: In compliance with your letter with no date, but which was recently received, with regard to the practical operation of the lease law in Texas, I beg to state that you have propounded to me a very complex question.

The law has its assailants as well as its advocates. Under the lease system in this State the ranges have all been inclosed; by so doing the ranges have been protected from overstocking and have been much improved. It has nearly abolished cattle theft in this State as compared to the extent of theft prior to the time that the ranges were inclosed. Promiscuous branding has necessarily been abolished, and calves and yearlings are no longer classed as mavericks. It has also caused the rearing of better grades of cattle, and at present the cattle industry in Texas is a great institution. Those who are engaged in the stock business are strongly opposed to the operation of the lease system.

Prior to the passage of the law authorizing the lease of the public school, university, and asylum lands, and the method by which the ranchmen were required to lease, the ranges were free and free grass was a great slogan, and millions of acres of public school lands produced no revenue to support the university and the common schools; but under the lease system there were received from leases of public school lands—

| For the year ending August 31— | | For the year ending August 31— | |
|--------------------------------|------------|--------------------------------|------------|
| 1895 | \$170, 476 | 1898 | \$321, 858 |
| 1896 | 216, 369 | 1899 | 357, 424 |
| 1897 | 234, 108 | 1900 | 472, 672 |

The rental from the leases of the public school lands for the current year will equal the receipts of the preceding years.

Prior to the lease of these lands very few people cared to buy lands, preferring to use them free; but since they have been leased there has been a great demand that the leases shall be abolished, parties claiming that they are in demand for actual settlement; and I believe that within certain counties in this State, if it were not for the leases, I could sell within twelve months at least 3,000,000 acres to actual settlers by selling each actual settler as much as four sections of 640 acres each, and to that extent the leases are retarding settlement.

I believe that large pastures are hindrances to any State.

This State has land leased in quantities of from 320 acres to 300,000 acres. For the past three years there has existed on the border line—that is to say, on the border adjoining the north and west lines of what is known as the Absolute Lease Territory—a great deal of antagonism between the ranchmen and those who claim that they want the land for actual settlement, so much so that they are making that the issue in the campaign in a great many counties in the State.

On the 31st of August, 1900, 14,953,951 acres were under lease at 3 cents per acre. The leasing of this great body of land at 3 cents per acre is very unequitable; a great deal of it is not worth 3 cents per acre, especially that situated in El Paso, Jeff Davis, Presidio, Brewster, Pecos, Reeves, Loving, Winkler, Ward, Gaines, Andrews, Ector, Craine, Crockett, Val Verde, Webb, Zapata, Starr, and Hidalgo counties, but in all other sections of the State where land is leased the range has been worth from 6 to 12 cents per acre.

I inclose you under separate cover a copy of my last biennial report.

If there is any further information that you would like to know which is not herein given, I will take pleasure in furnishing it upon request.

Very respectfully,

CHARLES ROGAN, *Commissioner.*

The Texas leasing law, passed in 1895, is as follows:

ART. 4218r. The public lands and all lands referred to in the several funds mentioned in this chapter shall be leased by the commissioner of the general land office under the provisions of this chapter, at not less than three cents per acre. All lands classified as agricultural and all lands containing permanent water thereon shall be leased for a term of five years or less, and all lands classified as pastoral or dry grazing lands shall be leased for a term of not more than ten years, and the rental shall be paid yearly in advance, the first payment to be made at the time the lease contract is entered into. If at the termination of any lease the lands covered thereby are still for lease, the lessee thereof shall have the preference right to again lease

such lands theretofore leased by him upon the terms and at the price then fixed by law. All leases shall be executed under the hand and seal of the land commissioner and delivered to the lessee or his duly authorized agent, and such lease shall not take effect until the first annual rental is paid and such lease thereof duly filed for record in the clerk's office of the proper county, and it shall not be necessary for the commissioner to acknowledge such lease contract so signed and delivered; and all leases under the provisions of this chapter may be advertised by the commissioner in such manner as he may think best, and let to the highest responsible bidder in such quantities and under such regulations as he may think to the best interest of the State not inconsistent with the equities of the occupant. All bids and offers to lease may be rejected by him prior to signing the lease contract, for fraud or collusion or other good and sufficient cause.

ART. 4218s. Any person desiring to lease any portion of the lands belonging to any of the funds mentioned in this chapter shall make application in writing to the Commissioner of the General Land Office, specifying and describing the particular lands he desires to lease, and thereupon the Commissioner, if satisfied that the lands applied for are not in immediate demand for purposes of actual settlement, shall notify the applicant in writing that his proposition to lease is accepted, and thereupon he shall execute and deliver to the lessee, in the name and by the authority of the State of Texas, a lease of said land for such term as may be agreed upon, and deliver the same to such lessee when satisfied that the lessee has paid to the treasurer of the State the rent for one year in advance. No lands which are now, or may hereafter be, classified as grazing or pasture lands shall be subject to sale, nor shall the possession thereof by the lessee be disturbed during the term of such lease, except as herein provided, so long as the rents are paid promptly in advance each year as required by this chapter.

Any actual settler upon any of the lands mentioned in this chapter, being the head of a family, shall have the right to buy at any time not more than three additional sections of strictly pasture lands, notwithstanding any lease thereof, unless by some other actual settler, the head of a family, leasing not more than three sections. Whenever any leaseholder has leased from the State of Texas exceeding ten sections, any actual settler, being the head of a family, shall have the right to lease within a radius of five miles of the land occupied by him not exceeding three sections of the land held by such larger leaseholder, but shall not be allowed thereby to reduce the larger leasehold to less than ten sections; provided, that any man not the head of a family shall have this preference right to lease three sections after having placed two hundred dollars worth of improvements on the section purchased by him: *Provided*, That in all cases where the actual settler having purchased one section of land is permitted by the provisions of this article to buy or lease additional lands, and thus terminate the lease of the larger leaseholder, he shall be required to so select such additional lands sought to be purchased or leased by him as that by an exchange of lands, section for section and acre for acre, of like quality and class with the larger leaseholder, he can secure the quantity of land he desires to purchase or lease in a solid body; and in case the larger leaseholder desires to do so the actual settler so purchasing or leasing the additional lands in this article mentioned shall make such exchange with him, and shall be required to fence the same separate and apart from the lands of the larger leaseholder; but in no case shall the actual settler be allowed to purchase or lease the lands and terminate the lease of the larger leaseholder under the provisions of this article upon which there is a permanent natural or artificial water supply; and in no case shall such actual settler be permitted to so select such additional lands for purchase or lease as that by an exchange of lands with the larger leaseholder such larger leaseholder will be required to give in exchange any lands upon which there may be a permanent natural or artificial water supply, or upon which there may be improvements of the value of two hundred dollars.

In case the larger leaseholder does not desire to exchange lands, as herein provided, with the actual settler, or, upon request made by such actual settler, refuses to do so within a reasonable time, then he shall not be required to fence his land, but may turn loose inside of any inclosure in which his lands may be situated not more than 1 head of cattle or horses, or, in lieu thereof, 4 head of sheep or goats, for every 10 acres of land so purchased or leased by him; provided further, that nothing herein shall be construed so as to prevent either lessee from fencing his own land from the other if he should desire to do so, or to require the small leaseholder to fence his lands at all unless the larger leaseholder shall have his leasehold fenced; and provided further, that nothing in this article shall be so construed as to permit any actual settler, either by purchase or lease, or by both, to terminate the lease of the larger leaseholder upon more than four sections; and provided further, that north

of a line extending west from the southeast corner of Callahan County to the southeast corner of Martin County, thence north to the south line of Lynn County, thence west to the southwest corner of Lynn County, thence north to the south line of Castro County, thence west to the line of New Mexico, the settler exercising the preference right herein given to buy or lease within the inclosure of another may so buy or lease any lands except a section on which there are improvements of the value of \$200, or on which there is a permanent artificial water supply, and shall not be required to inclose his lands separate from the lands of the larger leaseholder unless he can obtain the full amount of four sections in a solid body, or unless the same can be secured in a solid body by exchange of lands for the term for which he leases, section for section or acre for acre, with the larger leaseholder; and in all cases where he is not required by the provisions of this chapter to inclose his lands he may turn loose not more than 1 head of horses or cattle, or, in lieu thereof, 4 head of sheep or goats, for every 10 acres of land purchased or leased by him and uninclosed.

Each violation of the provisions of this chapter which restricts the number of stock that may be turned loose on lands leased from the State shall be an offense, and the offender, on conviction, shall be punished by a fine of \$1 for each head of stock he may so turn loose, and each thirty days' violation of the provisions of this article shall constitute a separate offense. Any agricultural land that may be leased by an actual settler shall be subject to sale and settlement, but in case his lease does not embrace more than three sections, only on condition that the purchaser inclose with posts and at least two wires the land purchased by him separate from the land held by the lessee, and failure to so inclose it within three months from the date of the purchase shall be sufficient cause to authorize the commissioner to cancel the contract of purchase and reinstate the lease. In all cases where the lease is terminated under any of the provisions hereof before the expiration of the term of lease, the lessee shall have a pro rata credit upon his next year's rent, or the money refunded to him by the treasurer, as he may elect. On the expiration of his lease or its termination under any provision of this article the lessee shall have the right for a period of sixty days to remove any or all the improvements he shall have placed upon the leased premises.

ART. 4218t. Any person desiring to lease any portion of the lands aforesaid, on which no permanent water supply exists, shall notify the commissioner of the general land office in writing that he desires to lease lands, specifying and describing them, provided he can obtain the necessary supply of water by boring or otherwise, and that he will within ninety days lease said lands, provided such water supply can be obtained. He shall also make and file with the commissioner of the general land office his bond, with good and sufficient personal security in a sum equal to one year's rental of the quantity of land applied for, payable to the State of Texas, conditioned that he will diligently and in good faith try to secure water on such land during such ninety days, and if secured will lease the designated lands for the term prescribed herein, and thereupon the commissioner shall for such ninety days withhold the lands thus designated from lease to any other person. Within or at the expiration of said ninety days and annually thereafter such applicant to lease shall pay to the State of Texas, in advance, one year's rental of the land applied for by him, on satisfactory proof of which payment the commissioner shall execute and deliver to the lessee a lease of the said lands, signed by himself officially and attested by the seal of the land office, together with which he shall deliver up the bond of said lessee marked "Satisfied."

If the said lessee shall fail to apply for his lease and make the payment aforesaid within said ninety days, and shall also within said ninety days fail to make proof to the satisfaction of the commissioner of the general land office within that time that he has in good faith and diligently used proper means and expended proper efforts to secure a water supply on such land and failed, then and in that case the commissioner shall mark said bond "Forfeited," and shall deliver the same to the attorney-general of the State, who shall at once cause the said bond to be sued upon and collected; and such collection shall become a part of the available school fund. The penalty stated in such bond is hereby declared to be liquidated damages, and judgment for that sum shall in all cases be recovered by the State. Proof satisfactory to the commissioner of the general land office that proper, suitable, and diligent effort had been made by such applicant to secure water, and that sufficient water could not be secured, shall relieve the principal and sureties on said bond from all responsibility therein, and it shall be marked "Satisfied" by said commissioner and delivered to the principal therein. No lease of less than four sections of unwatered pasture lands shall be made, unless such less number includes all unleased land in *that vicinity belonging to the several funds mentioned in this chapter.* Lessees or

their vendees who shall have at their own expense secured water on their leaseholds in accordance with the provisions of this article shall, at the expiration of their lease contract, have the right to a renewal of their leases for another term of five years at the price then provided by law, by giving sixty days' written notice to the commissioner, as provided in the preceding article.

[NOTE.—Section 20 of the act of April 4, 1895, p. 72, was repealed by the act of April 16, 1895, p. 75.]

ART. 4218u. All lessees shall pay the annual rents due for leased lands directly to the treasurer of the State, who shall execute receipts in duplicate for each payment made by any lessee, one of which receipts shall be delivered to the lessee and the other transmitted to the Commissioner of the General Land Office. The treasurer shall cause to be kept an accurate account with each lessee, and the Commissioner of the General Land Office shall file in his office all applications and other papers relating to leases, and keep a record of all leases made, which papers shall constitute a part of the records of his office.

ART. 4218v. If any lessee shall fail to pay the annual rent due in advance for any year within sixty days after such rent shall become due, the Commissioner of the General Land Office may declare such lease cancelled by a writing under his hand and seal of office, which writing shall be filed with the other papers relating to such lease, and thereupon such lease shall immediately terminate, and the lands so leased shall become subject to purchase or lease under the provisions of this chapter. Such lease shall not be made to original lessees until all arrears are fully paid. During the continuance of all leases, and after forfeiture, the State shall have a lien upon all property owned by the lessee upon the leased premises to secure the payment of all rents due, which lien shall be superior to all other liens whatsoever; and it shall not be essential to the preservation or validity of such lien that it shall be reserved in the instrument of lease.

ART. 4218w. Lessees shall have the right at any time to purchase their leased lands, subject to the limitations as to quantity provided by this chapter, and at the price and on the conditions herein provided, without reference to any improvements made on such lands by such lessees; and all improvements made by lessees on lands leased by them are hereby declared to be personal property, which may be removed by such lessees on the expiration of their lease contracts; and they shall have sixty days after such expiration in which to remove the same.

ART. 4218x. If the governor shall at any time be credibly informed that any portion of the public lands or the lands belonging to any of the several funds named in this chapter have been inclosed or that fences have been erected thereon without authority of law, he is authorized in his discretion to direct the attorney-general to institute suit in the name of the State for the recovery of such lands and damages, and a fee of not less than ten dollars for the attorney when the sum recovered is less than one hundred dollars, and when it is over that sum the fee shall be ten per cent, to be paid by the defendant for the use and occupancy of the same, and the removal of such inclosures and fences; and such damages shall not be for a less sum than the amount of all the leases due during such occupancy.

For the recovery by the State of all lands sold under the provisions of this or former laws which have been or may hereafter be forfeited to the State for any reason, any for the recovery of any money due the States on leases made under this or former laws, and for the recovery of damages for the unlawful use and occupancy of such lands, as provided in this article or any former laws, jurisdiction is expressly conferred on the courts of Travis County having jurisdiction thereof under the constitution concurrently with courts of the districts in which the land is situated, and all such suits shall be instituted by the attorney-general or under his direction. In suits provided for in this article the court shall issue a writ of sequestration directed to any sheriff of the State, commanding and requiring such officer to take such land and all property thereon belonging to the person or persons so unlawfully occupying said lands into his actual custody, and hold the same subject to further orders of the court, and the State shall not be required to give bond. Such writ of sequestration may be executed by any sheriff of the State into whose hands it may be delivered, and it shall be the duty of any sheriff into whose hands it may come to proceed and execute such writ.

The defendant in such suit may replevy as in ordinary cases by giving bond as prescribed by law, and such cases shall have precedence on the docket and stand for trial before all other cases; and in case judgment is recovered by the State in such suit, the court shall order such inclosure or fences to be removed, and shall tax the costs of the suit against the defendant, and all property found upon the land belonging to the defendant, not exempt from execution, shall be liable to the payment of such costs and damages in addition to the personal liability of the defendant. Appeals

may be prosecuted from all judgments in such cases as in ordinary cases, except that the State shall not be required to give bond to perfect its appeal, and such cases on appeal shall have precedence over all other cases. If any person shall make a lease contract, and after the same is inclosed by fence shall for any cause decide not to continue payment of his lease, either in whole or in part, he shall give public notice by publication in any local paper having the largest circulation for at least sixty days before the time in which his next annual payment shall become due, that he will not continue his lease after the year for which payment is made, and shall also state the number and block of the land which he will not lease inside his inclosure, if he only intends to surrender a part of his lease, and shall post and shall keep posted for said sixty days notice on all gates of his pasture of such intention; then, and then only, he shall not be subject to the suit nor liable for the damages provided for in this article.

[NOTE.—For penalties for violations of this chapter see penal code.]

ART. 4218y. The Commissioner of the General Land Office may withhold from lease any agricultural lands necessary for purposes of settlement; and no agricultural lands shall be leased if in the judgment of the Commissioner they may be in immediate demand for settlement, but such lands shall be held for settlement and sold to actual settlers only under the provisions of this chapter; and all sections or fractions of sections in all counties organized prior to the 1st day of January, 1875, except El Paso, Pecos, and Presidio counties, which sections are detached and isolated from other public lands, may be sold to any purchaser, except to a corporation without actual settlement, at not less than \$2 per acre, upon such terms as the Commissioner of the General Land Office may prescribe.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 14, 1902.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge receipt by reference from your Department for report of Senate bill No. 3311 (Fifty-seventh Congress, first session) entitled "A bill to provide for the leasing for grazing purposes of vacant public domain and reserving all rights of homestead and mineral entry, the rentals to be a special fund for irrigation." I have the honor to report as follows:

The bill if enacted into law will make subject to lease all vacant public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming, an area embracing about 525,000,000 acres. The leases are to run for a term of ten years, with the privilege of renewal for a term of ten years more. The annual rental is to be 2 cents per acre; the net revenue derived from the lease is to constitute a reclamation fund for the construction of irrigating works on the arid and semiarid lands. Preference in securing leases is given to three classes of persons:

First. Owners of cultivated agricultural lands for leasable lands abutting on their freeholds to the extent of 10 acres of leasehold to 1 acre of freehold.

Second. Stock growers who are also freeholders to the extent of 10 acres of leasehold to 1 acre of freehold. The bona fide holders of State leaseholds also have the privilege, provided such State leaseholds are not held by any one person in tracts exceeding 640 acres in one body. This privilege extends only to lands in counties where the stock of the lessee habitually ranges.

Third. Stock growers, whether freeholders or not, who are in actual use and occupancy of public lands during the year ending January 1, 1901, such lands to be leased to them in proportion to their respective interests and use thereof.

These three preferred classes are to have six months in which to secure leases, after which the remaining lands are to be leased to the first applicant. Freehold rights are not to apply to town-site property, and lands deriving title from Spanish or Mexican land grants are to have freehold privilege only to the extent of 20,000 acres in any one ownership. Only citizens of the United States, corporations created under the laws of any of the States, are to be entitled to secure leases. A lease may be canceled by the Secretary of the Interior when its holder becomes ineligible, or for nonpayment of rent. Any leases may also be canceled at any time as to any land that may be required by the United States or any State for irrigation works as to any lands that may be condemned by any private citizen for such uses, and as to any arid lands that shall have been reclaimed and made subject to irrigation. The bill also contains a provision making live stock which are herded or grazed upon

any lands so leased without the permission of the lessee liable for all damages done while being herded or grazed thereon. Action for such damages is to be brought in a United States court, and the live stock may be seized under attachment process issued from said court.

The bill is objectionable, as well as indefensible, from many points of view. While it provides leases for stock-growing purposes alone, it subjects all classes of lands to such lease, and confers upon the Secretary of the Interior no power whatever to refuse a lease to any vacant public land that may be applied for, except it may be such as has been homesteaded or is mineral in character. It may be land proper for disposition under the desert-land law, or it may be valuable for agricultural purposes, or for its timber; yet all such classes are made available for the leasehold privilege. Nearly all of the public domain lying west of the Mississippi River (exclusive of Alaska) is included within the provisions of this bill, and when once leased any disposal which the Government may desire to make of such lands (except under the homestead or mineral laws, or for reclamation purposes) must be subject to the leasehold. It is not understood why valuable timber and desert lands are not excluded from its operation. Under the desert-land law the Government during the last fiscal year disposed of 152,160 acres, while under the timber and stone act there were sold 396,445 acres, for which it received the sum of \$1,144,964 in that one year. Nor can it be said that a very large portion of the land opened to leasehold for stock purposes is unfitted for agriculture. The contrary is shown. Should such lands be thus withdrawn from the usual disposition a gross injustice will be done.

In the domain made subject to this bill there never were in any one year so many entries made by actual settlers of agricultural lands as in the past year, and the present year will even surpass each of the rest in the acreage acquired of homestead lands alone. In this same portion of the United States now proposed for lease there were taken during the last fiscal year 53,654 original homesteads, covering 7,874,255 acres, and during the same period there were made 27,904 final homestead entries, embracing 4,135,819 acres. Here were 81,558 persons, and most of them representing families seeking homes in the West. These entries covered more than 12,000,000 acres for actual homesteads in twelve months' time.

Evidence tends to show that great portions of the public domain thought some years ago utterly irreclaimable and impossible for cultivation are now successfully farmed and produce abundant crops of the cereals and esculents, and all without the aid of artificial reclamation. Other extensive areas entered under the homestead law are irrigated by private effort from streams near by and are the making of happy homes. The desert-land law in this respect has also invited energy and capital to its aid and surprising results are accomplished. The demand of last year for such entries on the vacant lands is shown by the figures previously given.

Another objection is noticeable in the low price at which lands are to be leased. It has no parallel either in the leasing of lands belonging to railroad and wagon road corporations, nor in the leasing of Indian lands by the Government. The minimum price fixed by the Government in its sale of the public lands is \$1.25 per acre. Even 3 cents an acre for lease would only represent a fraction over 2 per cent annual interest on the lowest Government price per acre. It is presumable that even at this low figure only such lands will be leased as will produce a good revenue to the lessee. When it is understood that an applicant has his own choice of the millions of acres made subject to leasehold it can be seen how grossly inadequate is the compensation provided, and how unjust is such an imposition upon the public interests. Two cents an acre for much of the inferior vacant lands would be an inadequate price, but when the choice of the public grazing lands is likewise offered at this insignificant price the bill becomes subject to the imputation of being a vast scheme in the interests of a few by which valuable property of the public is taken for private use without just compensation. It practically amounts to a donation. Some might designate it as a huge graft.

Another most serious objection is that as to the provision making preferences in favor of certain classes. First, the owners of cultivable agricultural lands are entitled to all lands abutting their freeholds to the extent of 10 acres of leasehold to one of freehold. This will be of little value to the owners of small freeholds since it is known that comparatively few of such people own farms or cultivable lands which are adjacent to the vacant public lands. The real beneficiaries will be those extensive stock growers who already own large tracts of land on the confines of the public domain of which only small tracts can be cultivated for grain, vegetables, or for hay, the great body being primarily used for stock grazing. Second, freeholders who are also stock growers are entitled to the additional privilege of lease of lands which do not abut their freeholds, while the freehold farmer or settler not a stock owner is denied this privilege.

Then, again, this last privilege, the bill reads, "shall apply only to lands within the counties upon which their stock habitually ranges." Not only may any portion of the vacant lands of a county be leased if the lessees' stock grazes in that county, but if the land supply be insufficient, or for any reasons, the herd may be divided and placed in other counties where they can "habitually graze" and thus entitle the same owner to the preference in a number of counties at the rate of 10 acres of leasehold to 1 acre of freehold wherever such freehold may be. As if this wholesale opportunity were not enough the same bill allows the further preference to lands not leased under the above provisions to be given, not to settlers, but to "stock growers who were in actual use and occupancy of said lands during the year ending January 1, 1901, to be leased to them in proportion to their respective interests in and use thereof."

Why this nunc pro tunc preference should so specifically relate back to that identical year ending January 1, 1901—one year and almost four months ago—is not apparent. It leaves the impression that it is intended for some specific individuals or for some concealed associations. What becomes of the unfortunate stockman whose occupancy only commenced in the year ending January 1, 1902? Why this unseemly discrimination between stockmen themselves? The bill should be condemned if for only this attempt at what seems to be personal favoritism at the expense of others. Nor is there any specific limitation fixed for this last act as to area. The language is, "to be leased to them in proportion to their respective interests in and use thereof." Does this mean that what is left or not leased and so occupied shall be divided pro rata? What definition shall be given the words "actual use and occupancy?" The cattle of some herds extend over many miles of range, embracing numerous townships. Shall this ranging be interpreted as "use and occupancy?" If so it may exceed a basis of one thousand of leasehold to one of freehold. It is too indefinite to be understood.

This may be of service to those who desire the advantage of such doubtful phrase, but the Government should insist upon certainty and clearness in its legislation, as well as justice in its policy. When during the negotiations for the acquisition of the Louisiana Purchase, Marbois (Napoleon's minister of the treasury) complained to Napoleon that the boundaries of the purchase were very indefinite, Napoleon replied "that if an obscurity did not already exist, it would, perhaps, be good policy to put one there." In our country the Departments and the courts in the end must interpret provisions of law, and Congress should insist that before final enactment a bill should be positive and unambiguous in its terms.

As another evidence of the extent to which preference rights are given under this bill to certain privileged classes, attention is called to the clause providing that even certain leaseholds may be held to be freeholds upon which to base a right to vacant lands. Where, for instance, a person leases State lands not exceeding 640 acres, although he may not be the owner of a single acre, he may lease Government lands on the basis of 10 to 1 on such mere leasehold. One, therefore, holding 640 acres under a lease from a State can occupy 6,400 acres of Government land under this bill. It can thus be seen how many convenient ways are provided for one stockman to secure enormous tracts of the public domain, and all for 2 cents an acre with ten years' tenure, with the privilege of renewal for another ten years. It is practically a twenty-years' lease, at 40 cents an acre for that whole period.

There remains another portion of this bill more indefensible than all. The first section holds out the hope that settlers shall have the right of homestead—indeed, that the lands "shall be leased for stock-grazing purposes subject to the right of homestead and mineral entry." This would seem to place the homesteader far ahead. Let what follows expose this fallacy—this vain promise. Section 7 provides "that live stock which are herded or grazed upon any lands so leased without the permission of the lessee shall be liable for all damages done while being herded or grazed thereon, together with costs and reasonable counsel fees, to be fixed by the United States court." The first victim to suffer the penalty of this cruel provision will be the very one the bill assumes first to recognize—the homesteader.

The settlers on the public domain are usually poor, and it is a long while before they are able to inclose much of their 160-acre tracts; as a result their few stock naturally move upon the adjacent uninclosed lands, which, if they be leased, the settler must suffer the severe penalty imposed for failure to prevent his stock from passing over the line. The consumption of the grass by his few head of cattle or sheep the law will hold to be a damage, and then will follow the seizure of the property, with a trial in the courts and a judgment for damages, costs, and counsel fees. The suits are not in the near-by State courts, but, as so often happens, are to be held in the far-away Federal courts, and where the court terms are but once or twice a year. It will be noticed, too, that the lessees (who will be mainly the large

stock owners) are not made liable for any damages by their herds which may pass over and destroy the grasses upon the uninclosed and unperfected homestead of the settler, and yet he is made liable for damage done by his few stock which may encroach on the unfenced leasehold.

With such aggravating conditions what must be the alternative for the settler? He must either construct 2 miles of fence to inclose his quarter section of homestead or he must herd his stock. As he is too poor to do this, he must see his grasses consumed, his stock pursued and seized, his means exhausted, and at last must abandon his little home which the law has given him, or perhaps sell out at a sacrifice to the very occupant of the leasehold who was the author of his misfortunes. This rank injustice is not only inflicted upon the homesteader, but upon the small stock owner as well. The one upon a limited freehold or upon a desert-land claim on the broad expanse of the vacant domain will alike be subject to this unjust provision.

The insincerity of the bill in its profession for the homesteader is made more manifest in its failure to allow him any lease until after he perfects title. During his five-year residence he must witness the leasing by the large freeholders and favored classes of all the lands surrounding him, knowing full well that when he makes his final proof he will be utterly cut off and deprived of any leasehold adjoining him. Why should his homestead before patent not entitle him to the basis of 10 acres of leasehold to 1 of homestead? Why postpone to him this relief until he shall become a freeholder? Such discrimination amounts to a declaration that the homesteader and small owner must either surrender at a loss or move on. The American settler, as a general rule, is a law-abiding man. He is not seeking trouble or litigation, and will prefer to forfeit his homestead rather than invite contention and sacrifice. There are others, however, more assertive of their rights, who will maintain a defiant attitude, and it is with such that the conflict will be continued, as the contests in this office and the proceedings in courts and sometimes in the field sadly attest.

Attention is further invited to that clause in the bill making all leases subject to assignment. The effect of this will be to confer upon leaseholders the right to sublet to different persons for valuable consideration, thus giving the original lessee the power to collect large rentals upon the merely nominal price which he himself pays to the Government for the leasehold and thus to oppress and take advantage of those whose necessities will compel compliance. This right of assignment, or sublease, will be of immediate value and of special service to the absent landlords, who, residing in the large cities of the East, may thus control the millions of acres of public domain, not alone for their own stock purposes, but for speculation and actual sale to the highest bidders for the preference right of leasehold.

The settler and the small stock grower must seek terms from the large associations. Under the right to assign a leasehold an interesting question may arise as to whether a person having already leased direct from the Government large areas can also become an assignee of the leasehold of another. This would seem to be allowable, and if it be conceded, then the possible dominion of any one magnate or trust over consolidations embracing enormous tracts of the public domain for twenty years may be viewed with alarm, should the bill become a law.

If it be determined to allow any leasehold of vacant lands for stock purposes it would seem that there should be a classification of the lands only fit for grazing, and there should be fixed a reasonable maximum in area for any person or association; and in addition it should be required either that a rental value be designated for certain localities, or else that the Department should decide what should be a reasonable rental per acre before approving a lease. If there should be a profit on such leases it should inure to the Government, the proprietor of the lands.

As a further precaution all assignments should be prohibited. The right should only come direct from the Government. Settlers on the range, or residing near the same, and whose stock are in the habit of grazing thereon, should be entitled to a lease thereof as well as freeholders, and the settlers should have the preference. It might also be considered whether authority should not be given to provide against overstocking the range, in order that the grass supply may be maintained, and to do this the capacity of various ranges could be ascertained and only such number of stock permitted as the range will justify. This practice has proven satisfactory in our forest reserves and might be advisable on the unreserved grazing lands.

Nor should we lose sight of another misleading provision in section 6 of this bill, which purports to make only citizens of the United States beneficiaries of the leasehold, whereas in the same section "corporations created under the laws of any of the States" can also become beneficiaries. It is well known that the shares of these corporations may be owned largely by foreigners, and hence the section is inconsistent with itself. If it be, furthermore, the purpose of the sweeping preference given by this bill to protect many large cattle companies and corporations who have

inclosed extensive areas of the public domain, and who have maintained fences in violation and in defiance of the law, and who now propose to validate such unlawful structures which the Department has been for years, and is now, endeavoring to remove, this bill, if it becomes a law, will answer that purpose completely.

That suspicious clause, which gives a leasehold preference to the favored stock owners who were in the "use and occupancy" of any vacant lands during the year ending January 1, 1901, may perhaps include many who were then behind unlawful fences. The opinion has been expressed by some that the authorities regard the law prohibiting any exclusive control of the vacant lands as inoperative, and indeed justify the same, and the suggestion is made in proof that no enforcement of the law is in evidence. This is a mistake. The courts and the Departments have been active in numerous prosecutions and removals of inclosures. In the case of *Canfield v. United States* (167 U. S., 524) the Supreme Court, referring to inclosures of vacant lands, said:

"The Government has, with respect to its own lands, the rights of an ordinary proprietor, to maintain its possession and to prosecute trespassers. * * * It may open them to preemption or homestead settlement; but it would be recreant to its duties as trustee for the people of the United States to permit any individual or private corporation to monopolize them for private gain, and thereby practically drive intending settlers from the market. It needs no argument to show that the building of fences upon public lands with intent to inclose them for private use would be a mere trespass, and that such fences might be abated by the officers of the Government or by the ordinary processes of the courts of justice."

As to Departmental action, it can be said that about 436 cases of unlawful fencing were reported by special agents and notices to remove served upon the offenders. About 83 removals were voluntarily made after such notice. About 324 suits were recommended, and cases reported to the United States district attorneys, based upon special agents' reports. In one case, known as the so-called Beales and Royella grant in New Mexico, about 1,079,000 acres of the public domain are alleged to be unlawfully occupied. The time for removal of its fences has been extended by the President to July 1, 1902, with a strict injunction that the same must be so removed and that no application for further extension will be entertained or considered, and the parties were accordingly notified that such direction will be rigidly enforced without further notice.

In suits before the courts a number of judgments are reported. One of the most notable is the case of *Jesse D. Carr* before the United States court for the district of Oregon for unlawful inclosure of 84,000 acres of the public domain in Oregon and California (mainly in Oregon), the fences being of stone, wood, and wire, which the court decreed should be removed and which were recently removed under the direction of the United States marshal. Upon departmental reference for report and recommendation of a communication from the honorable Attorney-General in that case I had the honor, on August 20, 1901, to report and to express an opinion in which it was stated that "the General Government surely has a control over its own land. The act of these parties is in defiance of that control and these proceedings are merely a vindication of that right. To delay and continue from year to year the enforcement of the law will in the course of time make that law a dead letter. If the law means what its language imports, only the most conclusive showing of an existing right to make an inclosure can excuse the offenders. A mere hope that Congress will in the future amend the law, or the plea of probable loss in case existing law is enforced, is not sufficient to suspend immediate action. The defendants ask consideration of the fact that their damages will be large should these fences be removed. In the face of the unjustifiable and indefensible act of placing such fences where they are, such a plea is as illogical and unsatisfactory as it is preposterous. As the Supreme Court once said in a well-known case in reference to the duty of the General Government as to the public domain, 'it will be recreant to its duties as trustee for the people of the United States to permit any individual or private corporation to monopolize them for private gain, and thereby practically drive intending settlers from the market.' Therefore, as the circumstances in this case are particularly aggravated I can see no reason whatever for interfering with the order of the court or delaying the removal of the *Jesse D. Carr* Land and Live Stock Company's fence, holding that all such cases should be vigorously pushed in the interest of justice and settlers who are honestly endeavoring to acquire homes on the public lands."

The act of Congress approved February 25, 1885, declares that, "the President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosures of any of said lands and to employ civil or military force as may be necessary for that purpose." Following this law, the President, on August 7, 1885, issued a proclamation ordering the removal of unlawful inclosures of public

lands, and in that proclamation he declared that "the public policy demands that the public domain shall be reserved for the occupancy of actual settlers in good faith, and that our people who seek homes upon such domain shall in no wise be prevented by any wrongful interference with the safe and free entry thereof to which they may be entitled."

I commend these words to the attention of Congress. If they were applicable at that time they are doubly so now, when the public lands available for settlement are becoming so rapidly exhausted and when the demand for homes has so greatly increased. If the law against the fencing of vacant lands is unwise it should be repealed, but so long as it remains a law it should be obeyed and strictly enforced. This leasing bill, however, is even more objectionable than the present unlawful fencing. We hold in trust, not only for the present generation but for those who shall come after us, the great domain. It is the heritage of the people. We are enjoined to so guard and administer it that it shall subserve the greatest possible good for the greatest possible number.

To the public lands of the nation are we indebted for much of the development, the wealth, the population, and the stability of our Republic, and any act that will prevent or discourage that numerous class of heroic people who are seeking with so much self-sacrifice and privation new homes in the Far West, and who are building up and reclaiming the waste places and preparing the way for organized counties and States, can not be too severely discouraged and condemned. The pioneers are entitled to the utmost aid, protection, and sympathy of the Government. This has long been the policy of our nation, and to restrict or forbid this class by leasehold or other means the free approach to the vacant lands and the common use of the same so long as they remain vacant is a violation of that policy. The highest court of the nation has announced the principle that "the law deals tenderly with one who in good faith goes upon the public lands with a view of making a home thereon."

A case in point with the bill now under consideration was decided by the Supreme Court of the United States in *Buford v. Houtz* (133 U. S., 326), wherein it was said "we are of opinion that there is an implied license growing out of the system of nearly a hundred years, that the public lands of the United States, especially those in which the native grasses are adapted to the growth and fattening of domestic animals, shall be free to the people who seek to use them where they are left open and uninclosed and no act of Government forbids this use."

In a recent case equally applicable the United States court for the State of Oregon decided that "it (the forest reserve) is in furtherance of the policy of the Government by which the public domain is held for settlement that it shall be free to such use by the people as serves the convenience of settlers on uninclosed portions of it without public detriment." (See *United States v. Tygh Valley Land and Live Stock Company*, 76 Fed. Rep., 693.)

I am confident that this bill, if enacted into law, will work incalculable injury to a majority of the people of the Western States, will retard the development of the public domain, will impose additional privation upon the hardy pioneer, will compel the small stock owner and settler to pay tribute and rental to the syndicate owner or drive them from the open field, will encourage great landed monopolies upon the vacant domain which should be free to all, and will engender a feeling of hostility and inequality among those who should be friends and equals. With this conviction I earnestly recommend that this bill be returned to the honorable body whence it came with your recommendation that it be reported adversely.

The bill, with accompanying papers, is returned herewith.

Very respectfully,

BINGER HERMANN, *Commissioner*.

The CHAIRMAN. The Commissioner of the General Land Office, at the request of the committee, has appeared before the committee this morning and now will be heard.

STATEMENT OF MR. BINGER HERMANN, COMMISSIONER OF THE GENERAL LAND OFFICE.

Mr. HERMANN. Mr. Chairman and gentlemen of the committee: I will say at the outset that I am familiar with but one of the bills which have been pending before Congress, which alone has been referred to the Department, and that is the bill known as the Millard bill, ~~xxx~~

which I understand is a duplicate of the Bowersock bill, if I am not greatly in error. Now, assuming that to be the case——

The CHAIRMAN. The Millard bill is the Senate bill and the Bowersock is the House bill, and they are duplicates as I understand.

Mr. HERMANN. Now assuming that to be the case, I will proceed as though I had read and carefully studied the House bill. In the first place, Mr. Chairman and gentlemen, you will find that this bill embraces all of the vacant public land in about sixteen States and Territories in the Union. It makes no distinction between timber land and desert land or agricultural land. All vacant public lands of the United States in these several States and Territories are subject to the provisions of this bill. The area of such public domain within the sixteen States and Territories named in this bill embraces in round numbers 525,000,000 acres, and all this vast area will be practically subject to the provisions of this bill.

It is not understood why it is that all of these vacant lands shall be subject to leasehold for the purpose of grazing, or why it is that the agricultural lands are not excluded from it, or why it is that desert lands are not excluded from it, or why it is that the timber lands are not excluded. The bill to a certain extent suspends, or I may use the broader term in effect, repeals the stone and timber act of 1878 and the desert-land law and, as I will show in a minute, almost the homestead law. Another objection to this bill is the insignificantly small price which is to be the rental, and a further objection that all lands, however valuable they may be, are to be rented for the same nominal figure as lands which are inferior in character, and when it is considered that those who exercise the right of leasehold will have the choicest lands which are left of the vacant public domain from which to select and that those lands will be subject to the rental of lands of the most inferior character, it seems to be a most improvident provision to make such an unjust discrimination.

Now I have suggested that even the homestead law was in effect repealed by the provisions of this bill. I argue this in this wise: The bill provides that any stock found grazing upon these leasehold premises not belonging to the lessee shall be subject to seizure; that suits may be instituted in the United States courts and judgment for damages, costs, and the counsel fees may be rendered against the unfortunate settler who may happen to be the owner of any stock which may pass across the line of his limited area onto the leasehold premises of the lessee. That really amounts to a notice to all homestead settlers, "Surrender at the sacrifice price we shall offer you, or move on."

It is well known to those of us who are from the West, and I think largely, as a matter of fact, to those who are not from the West, that those usually who seek the provisions of the homestead law are poor in worldly goods. They enter upon the public domain with but a few dollars, with but few resources, and it requires a long while before even a reasonable portion of the area embraced within their 160-acre tracts can possibly be inclosed. To inclose an entire 160-acre tract will require 2 miles of fence. The settler's first attention is directed to the erection of a domicile, of a humble cabin, then of a small inclosure around that cabin; then cultivation of the soil, and, if the climatic conditions permit, the planting of an orchard. That requires almost the entire period *required for final proof*. Now, then, this bill does not permit the

privilege of a leasehold to the homestead settler during his five years residence, and not until patent issues. Then he becomes a freeholder. This discrimination I regard more unjust than all the rest.

The homestead settler is excluded from the provisions of this bill, yet at the very outset the bill proposes to extend its aid to the homesteader first of all, for in the first section of the bill it is provided that all the other provisions are subject to the homestead provision and to mineral entries. Those were the two exceptions, and apparently one would suppose that the first preference would be given to the settler, but such is not the case. It holds out a false hope, a promise that is not redeemed in any portion of the bill.

Mr. KLEBERG. Right there, could not an amendment be added which would protect the homesteader?

The CHAIRMAN. The friends of the bill in the hearing before suggested an entire willingness to strike out the word "freeholders" or add to the word "freeholders," "or settlers under the homestead law," giving to them the right the same as the freeholder.

Mr. HERMANN. I am proceeding to discuss the bill as I find it, not knowing what was in contemplation by the committee or those who are friends of the bill.

The CHAIRMAN. That suggestion was made.

Mr. HERMANN. I merely express to you the objections which I find to this bill as it exists; therefore, as I said, the bill is absolutely indefensible, because the homesteader is not a freeholder until he obtains the fee through the patent. That requires five years, or a little over, sometimes six years, before final proof is approved and patent issued through the regular course, so that the homesteader in the meanwhile witnesses during the five years of his probationary period all of the surrounding lands taken up by leasehold, and then, when he is ready to obtain the fee to the land so as to become a freeholder, he finds himself with his little 160-acre tract like an island in an ocean—he is entirely surrounded—so it amounts to him the same as a notice to move on. Therefore the bill is not to the interest of the settler or home seeker.

Then again, gentlemen, the bill makes some unusual preferences in favor of certain particular classes. One is, that the first class preferred shall be those who may occupy cultivatable lands upon the confines of the vacant public domain, that they shall have first preference. That seems fair. But as a matter of fact, as you well know, there are very few farms or cultivated tracts upon the confines of the wide expanse of prairie country, of country that may be fit for grazing purposes. It is not the poor homesteader who is immediately upon that line. The individual who is there is the man who has a large area of which but a few acres may be in cultivation. The great body will not be tilled, nor is it intended to till it, yet the owner becomes a preferred beneficiary.

Then, again, perhaps the most indefensible portion of this bill is that section which gives preference to those who were occupants of certain portions of the public domain during the year ending January 1, 1901. What may be the meaning of that, or what is the occasion for such an unusual discrimination, is not apparent upon the face of the bill. Why is that exclusive right to be given to those fortunate persons who went a year and about four months ago upon the public domain and yet deny the same provision to others who were occupying the public domain in the year ended January 1, 1902, is not plain to observe. So that, it

seems to me, is a very unjust and very mischievous provision, too, because it is giving preference to a favored class of people who secured an advantageous occupancy on the vacant lands some time previous to this measure, and, as I have said, it is unjust and indefensible.

Mr. JONES. Have you any idea as to why that provision was put in?

Mr. HERMANN. I have an impression that it was placed in there in order to protect certain persons who had without authority of law fenced large portions of the public domain at that particular time, thereby creating a favored class and discriminating against other stockmen who may have occupied public domain since that time. In this I may be mistaken.

Then, again, another unjust provision is that which permits assignment. I think you will agree with me that is a clause which should be stricken from the bill.

To permit these individuals who take these lands for almost a gratuity (as 2 cents an acre is a mere nominal figure), and then to permit these individuals to sublease it, is to enable them to speculate upon the public lands, as you will permit the large leaseholder to sublease to numerous parties, and there is nothing in the bill to prevent such subleasing. The clause permitting assignment is in itself in the nature of a sublease. Thus you permit the large leaseholder to lease to the more unfortunate individuals who have not had an opportunity to secure any of these various preference rights. There are numerous great freeholders in this country, some with enormous holdings, and they will be entitled to lease ten times as much vacant land as they may own of freehold. If he has a hundred thousand acres—and there are some within my own State who possess so much—he will be entitled to a million acres, and after that million acres is taken, and that is only a small amount to what may be taken by some others in the United States, that person may sublease. He pays 2 cents an acre virtually for twenty years. First for ten years, and then he has the right of renewal for an additional ten years; so in counting upon this bill I term the bill a bill for a leasehold for a period of twenty years, at 2 cents an acre.

Now, then, he may sublease to persons less fortunate than himself at such figure as the value of the land may justify. I say this bill legislates against the unfortunate home seeker in the most hostile manner, and I say it drives him from the public domain. The unfortunate individual finds himself like an island in the sea or an oasis in the desert with his little 160-acre tract, all of the surrounding land having been occupied by the more fortunate freeholder. That freeholder may say to him, "You may have 1,500 acres. I will, as a leaseholder, rent you so much at 10 cents an acre, and if you do not like that you can move on."

Now, then, as I suggested in the beginning, the homesteader is unable by reason of his poverty to inclose his 160 acres. As a result of that, his stock, a few head, perhaps, will naturally cross the line by reason of having no inclosure there, or else they must be herded. He is as unable to herd them as he is to fence, and thus they pass across the line, and there stands the freeholder, who seizes them under the letter of the law, institutes proceedings in the United States courts, which are usually far away from these settlers, and where the terms of court are held but once or twice a year. Does not that mean to him

a notice to move on if he does not submit to these unjust and oppressive advantages?

Then, again, to show you how unequal this bill is in its further provisions, you will notice that while it punishes the homesteader for permitting his cattle to trespass on the leaseholder, it does not punish the leaseholder for permitting his cattle to pass over the uninclosed line of the poor homesteader. It is not just. If it protects the leaseholder's premises against trespass of stock it should extend like privileges to the other side. Now it may be said, gentlemen, that the large portion of this land which would be subject to this bill is land which at the present time is not fit for homestead settlement. The bill seems to imply that.

The fact of it is that a great portion of the lands subject to these leaseholds are agricultural lands, and the records of the General Land Office every day produce evidence to that effect. Only last year there were in round numbers 82,000 American settlers who entered upon the domain embraced within these sixteen States and Territories and who acquired homesteads thereon. The area of those homesteads exceeded in area 12,000,000 acres. Twelve millions of acres within the twelve months for the last fiscal year! I predict that the coming fiscal year will witness even a greater entry of the public domain under the homestead law than that of the last fiscal year within the same district.

MR. MONDELL. You do not wish us to understand that all of the lands homesteaded are arable agricultural lands in their natural state, by any manner of means? The fact that they were homesteaded does not prove they were fit for cultivation, a majority of them, without irrigation?

MR. HERMANN. I will answer by saying that the larger portion of the lands homesteaded are arable lands. It is shown by the proof of competent witnesses before the local land offices that such homesteads have, more or less, been cultivated, sown in grass, and partially fenced, and many of them have had orchards planted upon them. Other homesteads have been reclaimed by artificial means, by bringing upon them the water of the near-by streams to assist nature in the reclamation of what otherwise might be arid soil.

MR. MONDELL. Understand that I am in full sympathy with the homestead settlers. So far as my knowledge of certain States in the arid region goes, the greater portion of the homesteads that are being taken up as a matter of fact are not lands that are capable of producing an ordinary agricultural crop an average year without artificial irrigation. If they were we would not be here this session of Congress asking for aid in the development of the arid regions. If there were actually 12,000,000 acres of land in the arid region now taken up per annum that were arable, there would be no special demand for irrigation. That is the argument I would make. While I believe the homestead settler is doing great work out there, a very great work and a very valuable work, he is not ordinarily taking up land, as I understand it, at least in what are known as the arid States, that would be considered fit for ordinary agricultural purposes.

MR. HERMANN. Well, I would say in reply to my friend that his observation is not sustained by the records. The records show that a great majority of the homesteads now being taken within the 16 States are fit for agricultural purposes. I am not making a subdivision of those States nor suggesting that any one particular portion should be

treated differently from another, but I am taking the entire area that is provided for and made subject to these leaseholder privileges, and say that out of the whole there may be found many millions of cultivable land. I admit that in certain sections enormous areas are absolutely arid, but I say again to the gentleman that a large majority of the homestead entries made within those States, and that means the larger portion of the 12,000,000 acres to which I have referred, are lands that are cultivable and made productive by the hand of man—by the settler—and made profitable without the aid of irrigation.

As I suggested, I fully agree with the gentleman that there are other portions where homesteads would not perhaps be reclaimed if it were not for the aid of a little stream which flows near by, but the moral is still the same. If it were not for the beneficence of the homestead act then this land would not be reclaimed as it is now by the hardy settler, and certainly, if we permit the monopolizing of the public domain as this bill provides, putting it in the hands of a few who own freeholds to use it for grazing purposes only, it will take out of the disposal of the Government, so far as the homestead law is concerned, all such lands, and you then prevent a great many people from attempting to reclaim these lands that are now capable of being reclaimed.

MR. MONDELL. I think you rather misapprehend the object of my question. As Commissioner of the General Land Office and having charge of all the public domain, your statement with reference to these matters would have a very great weight in the country. That is why I particularly questioned you in regard to this matter. My question was not intended as an argument in favor of this bill, but rather to the contrary; but my experience is that there is little land at this time of the public domain that would be considered anywhere else except in the arid region fit for cultivation except by artificial irrigation. The very fact that settlers have gone into this country, which is not considered fit for cultivation or would not be considered fit for cultivation anywhere else—only by the most careful tillage will it produce any sort of crop without artificial irrigation—is an indication that if you lease all the public domain you put an end to the settlement of the public domain that is going on now by reason of homestead entries on these semiarid and arid lands.

MR. HERMANN. I will say to my friend with all kindness that it is a condition that confronts us and not a theory. The condition is best shown by the proof, the sworn evidence of presumably credible and responsible witnesses, which proof is on file in the local land offices and transmitted to the general land offices. There it is. It speaks for itself in every case.

MR. MONDELL. Of course the gentleman knows much better than I do the homestead law does not require the homesteader to raise any crops at all; that the homestead law does not even require him to swear that he has ever turned over an inch of sod. He might turn over the sod as a matter of fact without raising much of a crop.

MR. HERMANN. I am not admitting that as one of the conditions to which I refer. I do contend that the proofs show directly to the contrary that the sod is more or less turned over and it is actually cultivated and in crop, more or less—not much, I admit in quantity, because the man is too poor, as a general thing, to cultivate the entire 160 acres. But he appears before the local land office in the first instance, and he *is corroborated by two credible witnesses of the community.* Those

witnesses testify that this individual has cultivated more or less of the land, and has raised some crop upon it, and has made it his bona fide home for the period of five years. That I say is the evidence as to most homesteads.

Mr. MONDELL. I do not wish to take up your time, but I am rather anxious there should not be a misconception of the situation in the arid region by reason of the statement made here. We have now a bill which we hope to get before Congress very soon, asking for Government aid in the reclamation of the arid wastes, and if it were as a matter of fact true that in that region there is at this time an unlimited area of country measured by 12,000,000 acres in homesteads per annum which would produce crops, ordinary agricultural crops, on a paying basis without artificial irrigation, why there would be no reason for our appearing before Congress with this measure at all; there would be no ground for the arguments we have been making for twenty years that we must have aid.

Now, we all know that anywhere in an arid region upon the worst desert that exists a man can plant a homestead and prove up on it in due time in all good faith and all honesty and comply with all of the laws, although it is as utterly impossible for him to raise a crop on it as it would be on this table; and we also know this, that hardly any place in the arid region except in the deserts, and the deserts are comparatively small areas in the arid region, that there is scarcely any place in the arid region where a man can not by careful cultivation, selection of crops and seasons, by making extraordinary efforts, raise a little patch of garden—a few potatoes, vegetables, and, possibly, where the snow falls heavily, a little bit of wheat; but it would not be held anywhere on earth that such land is valuable for agricultural purposes in its natural state or would be of any special value for agricultural purposes whatever. The majority of the homesteads in the arid regions, I fully believe, are taken up for the purpose of establishing there homes as absolutely as though the land was as valuable as the land in the Mississippi Valley, and therefore the homestead law is being honestly complied with. It is not because the land is valuable for agricultural purposes, but rather because the homestead is valuable because it affords an opportunity to use the adjacent grazing lands, or we would not be here seeking Government aid.

Mr. KLEBERG. Let us have the facts from the Commissioner. The gentleman is making an argument in favor of an irrigation bill.

Mr. HERMANN. Perhaps I am unfortunate in not making myself more intelligible. I apprehend the gentleman is speaking of the entire situation from a Wyoming standpoint.

Mr. MONDELL. Oh, by no means.

Mr. HERMANN. A most excellent standpoint I admit, because I am a friend of Wyoming and a friend of all who come from it.

Mr. MONDELL. I do not wish to have it go on record here as having been stated by the Commissioner of the General Land Office—I do not understand that is your view—that there are millions of acres in the arid regions anywhere or in the semiarid regions, except possibly in Minnesota and North Dakota, that in ordinary seasons will produce there an agricultural crop.

Mr. HERMANN. I will say, as I did in the beginning, that I was not classifying the public domain—not referring to any particular place. I am now addressing myself as to the extension of this law over 18 States and Territories, and I am not making a discrimination as to one

particular portion of the domain as against another, or saying that the 12,000,000 acres homesteaded last year were of arid lands. The vacant lands made subject to this bill are not all arid lands. There are many millions of acres within those States arable and capable of a high degree of cultivation, and without irrigation.

The gentleman will discover that I referred to the entire domain within these States. When a classification is made, vast portions will be found arid. I will ask the gentleman in this connection has he ever been in the State of Oregon, in the State of Idaho, in the State of Washington, and in the northern part of the State of California? In the greater portion of such domain the vacant lands are cultivable, and so I might say of many of the other States and Territories named in this bill.

Under this bill such lands can be taken under leasehold, and the one having leased it may vex and oppress the settler, who otherwise could make a comfortable and profitable home there under the usual homestead protection as at present.

Mr. MONDELL. Unfortunately I have not made myself clear. In the first place, I was not arguing the question of leasing at all, and my remarks had no reference to the question whether or not we should have this lease bill or any lease bill. I agree with the gentleman in much he has said since I have been in the room in regard to this particular bill. I want to say further, as the gentleman asked the question, that I have been in all the States he refers to many times; that there is not a State or Territory in that region or the semiarid region that I have not been in and I have not traveled over quite extensively. The point which I wished to have made clear was this: That there is not an unlimited area of country still remaining on the public domain which could be classed as good or reasonably good agricultural land, and I understood that your remarks might be interpreted to mean that all of the 12,000,000 acres which have been taken in the last year—I understood that is the area homesteaded—is really valuable agricultural land such as has been taken in the past in the Mississippi River.

Mr. HERMANN. Did I say, "Such as have been taken in the past?"

Mr. MONDELL. I think the language will bear—

Mr. HERMANN. I feel sure that there is not another member of the committee who would give it that construction. No intelligent person who has been a resident of the Western States will claim that there are now many portions of the public domain such as were in the Mississippi Valley in the days gone by or which were preempted or taken by donation in the Columbia River Valley when the vast public domain there was still open and free to settlement.

Mr. MONDELL. I think my contention makes your argument stronger, and that is that the greater portion of the lands which have been taken up in the last few years under the homestead act could not possibly be classed—even a portion of them—as first-class agricultural lands, or lands that would be of any special value to the settler unless he had the privilege of using the public domain for grazing purposes, and his homestead is taken largely, not because he can make a living on the homestead, but because it gives him a home and an abiding place, where he can build his house and corral, while his herds and flocks can have the benefits of the range.

Mr. HERMANN. If that was only partially true, it would be a reason why you should fight against this bill the more earnestly. Even if the

settler used the land only for grazing purposes it were better that last year 82,000 persons should homestead 12,000,000 acres than that a few freeholders should lease the same amount.

Mr. MONDELL. I simply did not want the statement made, knowing the weight which would be given to it by those who are against us some day when we urge reclamation.

Mr. HERMANN. I would say that some day is not before us yet. It is the present day I am speaking about. I will say this to the gentleman, and those of us who belong to the West I think will confirm what I say, that much of the public domain that was regarded twenty-five years ago as absolutely irreclaimable and unfit for cultivation—impossible for cultivation—is now making happy and comfortable homes. That is the lesson we have learned in the last twenty or twenty-five years. When many of us crossed the plains years ago we passed over the public domain which to-day is in cultivation with corn, and wheat, and orchards, but which at that time was forbidding to the homeseeker and thought worthless.

Every year we have been improving in our conquest over the desert plain, and by different methods are reclaiming the soil which at one time was regarded as irreclaimable. By some it is thought that climatic changes have occurred in certain localities, so far as to add partial humidity to the atmosphere and thus aid production in the soil. In other successes greater energy is entitled to the credit. We are proving that the theories we entertained twenty-five years ago are not applicable at the present time, so far as they were applied to large bodies of the public domain then deemed worthless.

The CHAIRMAN. Before you get through I would like to get your views upon this proposition. There are 12,000,000 acres taken up in homesteads in the last year. That indicates that a great many men take up spots from which they send out cattle to graze in the arid regions. Many of them do that. Now, a man gets settled in that way and gets his cattle around him. Some day a sheep herder comes there with 20,000 sheep, which pull the grass up by the roots and eat up everything in that region, and there is riot and murder, perhaps, and trouble of that sort. Now, I would like to know whether in your judgment it would be practicable to make some scheme of leasing by which those homesteaders could be protected?

Mr. HERMANN. Now, that of course is outside the line of what I have been discussing.

The CHAIRMAN. I know—

Mr. HERMANN. But I will say this. I am not in favor of leasing at all any lands of the Government. I think, as our forefathers thought, and as the courts have declared to be the policy, that the public domain should be open and equal to all. That is my idea about it. Let all go there; let all go there.

The CHAIRMAN. I will say to the gentleman frankly that I have been trying to draft a bill to cover that question. The homesteader has the right to go there and locate a home, when he gets his cattle around him, and he has to graze outside, as there is not grazing enough in a quarter section. Now, some man who does not pay taxes drives a herd of sheep some 300 miles from there and they literally eat that man up, just as absolutely as the grasshoppers formerly ate out the farmers of Kansas. Now, the question is whether these men have

equal rights. As it is, the homesteader has no rights, because every traveling sheepman can come and clean him out.

Mr. HERMANN. My reply to you is this. If it shall be adopted as a policy by this Congress that there should be to some extent a qualified leasehold applied to the vacant unappropriated public domain, it should be applied only to that portion of the public domain which is known as grazing lands. There should be a classification of the public domain, and such lands as are grazing lands, not timber lands or desert lands as under this bill, and not agricultural lands as under this bill, but such only as can be classified accurately and honestly as grazing lands. Now, then, when that is done I should provide that only a certain maximum of such grazing lands shall be subject to leasehold for any one person; secondly, that there should be a rental value established as to vacant grass lands in certain districts classified as grazing lands, and the rental could vary from a minimum of 3 cents an acre to 5, 10, or more cents per acre, approximating as near as possible what would be about the real value in the several districts.

Mr. ESCH. Is this classification in existence in your office?

Mr. HERMANN. No, sir; I am making a parallel with something that is already in operation in our office, as to permits for leasing in forest reserves, except that so far the law does not authorize a charge for the pasturage. There should be a maximum not only as to the acreage that would be subject to lease, but also a minimum as to the rental value, and so that there will always be a reasonable compensation for the leasehold. Then, secondly, I would provide that there should be strict regulations prepared by which the grazing should be supervised and that only such an amount of stock should be permitted within the grazing district as it would maintain without injury to the range. That would provide against overgrazing.

The great mischief now on the public domain is that it is overstocked. The grazing to-day is not as good as it was ten years ago, and it was not as good ten years ago as it was twenty years ago simply because everybody anywhere near and having stock drive it to the range, and the result is the diminution of the natural herbage. The natural grasses no longer support the stock they once did and it requires ten acres now to do what two acres would have done twenty-five years ago upon the public domain of this country. Now, lastly—

The CHAIRMAN. How can you do that where the man has absolutely the right to do as he pleases?

Mr. HERMANN. We might try to do as we are now doing in the forest reserves and, doing it successfully, it is no longer a theory there. Of course there the conditions are not complicated as they would be upon the unreserved lands, upon which homesteads and timber entries and desert land locations are permissible.

The CHAIRMAN. Do you charge anything at all for grazing?

Mr. HERMANN. We are not permitted to do that. We recommended once or twice that there should be a reasonable charge so as to recoup the Government for the expense of the protection of the reserve and for supervision of grazing.

We now prescribe a fixed limit as to number of stock which we ascertain any certain reserve will support, while in other reserves we prohibit sheep grazing absolutely.

The stock is removed at the close of the season, and we find that there will be left a growth that will make good grazing for the follow-

ing year. In other words some reserves will be overgrazed by putting 500,000 head of sheep or cattle, as the case may be, on a particular territory of several million acres, when 250,000 head will still leave it in good condition. Should 500,000 head be offered for grazing we require that a pro rata division be made so as to reduce the aggregate to the 250,000 head. The various applicants are usually represented through the stock associations, where there are such associations.

Those associations communicate with the Department and ascertain the maximum number of cattle or sheep to be allowed in a particular reserve, and they apportion the various herds and flocks of the persons who apply so that the aggregate number going into that reserve will not exceed the maximum provided for that reservation, and in that way we are preserving the grass in the forest reserves.

Mr. MONDELL. Do you think it will be practicable to classify the grazing land of the country?

Mr. HERMANN. That, of course, is to be discovered later on, as we have never made an attempt to do that. It is a problem difficult to solve. If practicable, it will be an expensive undertaking. Thereafter comes the most troublesome question, that of apportionment.

Mr. KLEBERG. I believe you got off your line of argument. You said lastly you wanted to state another feature of a lease law as you would have it when you were interrupted. You said first you wanted a classification and a protection of the herbage and—

Mr. HERMANN. Excuse me, I have the idea. I will follow out that sentence by saying that a preference should be given—I emphasize that—to the settler who may be found within this particular area, and also to the small freeholder therein, and a further preference to the individual who may be living near the confines of this particular region, and who has been using this grass land for the support of his stock. If there is going to be any preference, I would reverse the preference given in this bill and give it first to the poor settler and to the small freeholder who are made helpless by the provision in this bill which makes possible the monopolizing of the vacant domain by a few great stock associations and syndicates and the annihilation of the independent small herders.

Mr. ESCH. Would this bill have the tendency to restore the natural herbage?

Mr. HERMANN. Well, sir, that of course—

Mr. ESCH. That is one of the main arguments made in support of the bill by Colonel Irish.

Mr. HERMANN. That of course would have to be demonstrated by experience. That would depend upon the cupidity of the individuals who are lessees. If they could, perhaps, sublease to a number of smaller sublessees and the land parceled out, farmed out, if you please, at prices often far in excess of that which the leaseholders pay to the Government, why then there would be a temptation to get the utmost use of the grass during the sublease. Each tenant would naturally place upon his holding all the stock that his range could possibly support.

Viewing its effects upon the settler, I regard the right of assignment as vicious. It permits a few men finally to own so much of the vacant public domain as can be utilized for grazing purposes; and the result will be that a small owner or settler can not endure the oppression, and he must go. The fight will be too fierce for him. He must retire

and retire at a sacrifice, because he is at the mercy of the large stockmen, absolutely at their mercy, and consequently in a short time all that kind of vacant public lands will go into the hands of the large cattle and sheep owners. If an assignment permits one leaseholder to sublet or assign to many, so it will permit the many to assign to one person—and the one-man power becomes complete—since the small holders can not compete with the large holders, and consolidation results.

Mr. ESCH. Colonel Irish maintains that this bill would diminish lawlessness. He stated quite a number of crimes have been committed, owing to the present condition of affairs.

Mr. HERMANN. My reply is that there have been but few instances of that kind; I think the instances have been exaggerated. Where is this? We rarely hear of it. We have heard occasionally of such conflicts, but take it as a whole the people are law abiding, the sheepmen and the cattlemen are law-abiding people. We have the very best people upon the public lands in the region west of the Rocky Mountains, and I would say the same thing as to those east of the Rockies. Rarely we hear of conflicts there. Instead of this bill diminishing lawlessness, as Colonel Irish claims, it will have the opposite effect. It will incite disorder. It contains the very elements that will invite lawlessness. It confers the power to seize the stock of the settler which encroach on the uninclosed leasehold of the great stock owner, and it authorizes suits in the far-away Federal courts. Will such power and such oppression not meet with resistance from many a hopeless homeseeker, grown desperate by such unjust advantage? This bill is a mischief maker.

Mr. MONDELL. I understand your position is that the present conditions, although they may not be satisfactory, are probably better than any that would exist under any sort of a lease system which might be devised?

Mr. HERMANN. You anticipate what I was desiring to say in very fitting terms, and I base that opinion upon what I conceive would be the difficulty of arranging such a system as would make a harmonious and suitable allotment among all applicants for leasehold.

The CHAIRMAN. Could anything be worse than the proposition as stated by you, that in a few years you find the amount of land per animal had risen in the proportion of 2 acres to 10? It takes five times the amount of land to graze a horse, sheep, or cow that it did a few years ago.

Mr. HERMANN. Twenty-five years ago.

The CHAIRMAN. Could anything be worse than that; could anything be worse than that statement?

Mr. HERMANN. I think this bill would be worse than that. Anything is preferable to the alternative of the public domain being under the monopoly of a few favored corporations and stock syndicates and trusts, and the settlement of the West retarded.

The CHAIRMAN. A few years will finish it if that proportion is maintained. If this progresses in the direction of zero, it will take but a very few years to finish it if the past experience is realized in the future?

Mr. HERMANN. I can only repeat what I have stated before, that if it is possible to arrange or invent some satisfactory scheme by which the actual grazing lands—and that seems to be the point—may be properly and equitably allotted, they being first classified (if that can be done), then, I take it, all the rest is perhaps very easy of accomplish-

ment. Then we should proceed to make certain preferences, establish suitable rules and regulations by which overstocking can be prevented, and provide other precautionary arrangements. So long, however, as it remains so difficult to distinguish between what is only grazing land from that which is capable of cultivation, I do not think a lease law is practicable. To the American home seeker, I should regard it as absolutely unjust.

Mr. MOODY. Are not lands usually considered suitable for grazing lands becoming agricultural lands gradually?

Mr. HERMANN. I made that point in the beginning. We are demonstrating now what you and your father had not discovered thirty years ago in your own county and the adjoining county. Then you passed over the grassy hillocks and barren wastes which extended for many weary miles from the waters of the Columbia River back to the Rocky Mountain slopes. They were regarded as valueless for farming purposes and only suitable for grazing. The emigrant teams passed them by simply because they were regarded as absolutely useless for any purpose whatever except for grazing, and millions of acres not valuable for that. You will also agree with me that to-day the finest crops of wheat now produced on American soil are produced in Sherman, Wasco, and Gilliam counties, in that very same region. Is not that true?

Mr. MOODY. Yes.

Mr. HERMANN. And, furthermore, without the aid of artificial reclamation.

Mr. MOODY. And for that reason I say it will be very difficult to classify grazing lands.

Mr. HERMANN. I have suggested that is where my great doubt exists. We might hope that such a system of classification could be provided. If it could be there would still remain the difficult task of an equitable adjustment among applicants.

Mr. MONDELL. Let me make this suggestion in regard to the difficulty of a system of classification. To illustrate: A few years ago I went to the northern part of Wyoming, to a territory everybody considered grazing land, and I there inaugurated a system of dry farming, and one year produced 20,000 bushels of grain on land that had been considered absolutely a desert up to that time, without a drop of irrigation, and since then quite a territory has been developed in that vicinity.

Of course, those districts are limited. There are not many of them; but they do exist throughout the arid region, and, therefore, it would be a rather hard and difficult thing to say what were grazing lands and what might ultimately become farming lands under certain conditions. But would not another and perhaps more feasible plan be, if it was deemed wise to have any sort of leasing legislation, to provide that all—not only the homestead law, but all land laws—should remain in operation at all times; that leases should be for a short period, putting the entryman under the land laws when he made the entry and—

Mr. HERMANN (interrupting). That might be one of the details in the working out of any scheme; but whether practicable or not, that would be for the future. We should, however, discourage any legislation or any scheme which tends to prevent the settlement and development of the West. I am addressing myself now to the provisions of the bill as I find them here.

Mr. ESCH. Are you familiar with the Texas land system? That has been held up as feasible and as having produced very good results—whether an extension of that system might be made to the public domain. What is your opinion as to that?

Mr. HERMANN. I must confess that I have been unable to get a copy of that law. I have heard a good deal of it, and I hear it has been very successful as a revenue producer, but that it has greatly retarded settlement and perhaps created more injury to the State at large than could possibly be compensated for by the money rentals. It has the effect to prevent sales of State lands which would not only produce revenue but invite population and development in numerous counties now deficient in both; but what the maximum is as to leasehold or what the safeguards are as to overstocking, etc., that I am not informed of.

The CHAIRMAN. Judge Kleberg presented a letter immediately preceding your discussion of this matter this morning from the land commissioner of Texas, and the only criticism he makes in that letter is that there is no minimum. That some people have leased lands as high as up to 300,000 acres and he says that has retarded settlement, and that seems to be the only criticism he makes.

Mr. HERMANN. That there should be a minimum?

The CHAIRMAN. That there should be some limit.

Mr. HERMANN. Does he not also discover the great hardship this bill imposes upon the settler, who usually has nothing but a small tract in the midst of the large freeholds, and whose stock as soon as it trespasses across the line can be pursued and seized and he, the owner, sued in the United States courts?

Mr. JONES. He was not referring to this bill; he was referring to the Texas bill.

Mr. HERMANN. Excuse my failure to hear you distinctly. I understood you to say that was the only criticism he found—meaning to this bill.

The CHAIRMAN. Oh, no; the Texas law.

Mr. HERMANN. The explanation is clear.

The CHAIRMAN. He referred to the Texas law. Under the Texas law he says leases run up as high as 300,000 acres. That retards settlement. He states the operation of the law has very much improved the cattle-carrying capacity, and also makes the leaseholder take care of the grass instead of destroying it. Whereas we have gone up from 2 to 10 acres to carry a steer, in Texas they have gone down from 10 to 2, and it is done by taking care of the grass. A great deal of this grass is annual and the seed must be matured.

Mr. HERMANN. But taking the provisions of this bill in their most favorable aspect and conceding that like results as in Texas would follow, would the country not lose more in the suspension of settlement in the West, in retarding the development of the waste lands, the building of highways and of towns and villages, than it could possibly gain by an increased pasture area for a few great landed proprietors and leaseholders, with their vast herds and flocks? So long as it is admitted that enormous portions of the vacant lands are still capable of cultivation and will induce settlement, I can not admit that any leasehold law can possibly compensate the American people for the incalculable injuries it will entail. It will carry in its train a great many *disastrous consequences*, and should be defeated from first to last.

Mr. NEEDHAM. You spoke of the 12,000,000 acres entered during the last fiscal year. Does that include the final proof and original entries, or what is the proportion?

Mr. HERMANN. It includes both classes. Under the head of the original homestead law there were 7,874,255 acres entered, and there were final homestead entries embracing 4,135,819 acres, both aggregating over 12,000,000 acres. These were covered by 81,550 entries representing, of course, that many people, and assuming that there were three or four members to the family to the majority of the homesteaders, it is not an exaggeration to say that there have been over one-fourth of a million of people who settled upon the public domain within the last year. The present year will far exceed that of the last year, and for some years hence there will be a continuous demand for homesteads within the domain covered by this bill.

The CHAIRMAN. In that connection the report comes to us from various sources that a very considerable portion of this 12,000,000 acres which are open to settlement are not bona fide, and you have to discount that 12,000,000 considerably on account of that class of settlements. What do you think about that?

Mr. HERMANN. That report is misleading. It is far from the truth. I have read like statements by persons who have magnified the situation in this respect. As a rule the law is faithfully complied with. There are exceptions, as numerous contests attest, but as a whole thousands of permanent, bona fide, and happy homes are each month being taken under the homestead law within this domain. We have about fifty to sixty special agents roaming all over that vast expanse whose duty it is to inquire into violations of the law and to complain and report as to the same.

Cancellations result from evidence showing many homesteads not taken in good faith. Even criminal prosecutions often follow. Some homesteads are taken for the purpose of obtaining the valuable timber upon the land; others again are taken for grazing purposes entirely, and even others for the minerals. The vigilance of the special-agency force, the contests of complainants who desire to secure the same land, and the general fear of the law permit of comparatively few violations of the law—few at least relative to the great number of entries annually made and upon which final proof, complete and uncontested, is offered after the five years' residence. The evidence of this compliance with the law is seen in the actual habitations in the most remote parts of the West, and in the constant establishment of new post-offices, and in the growth of villages where but a few years since there reigned the undisturbed silence of the forest and the plain.

Mr. MONDELL. Is it not entirely legitimate for 160 of acres secured for homestead to be used for grazing purposes entirely?

Mr. HERMANN. The gentleman has been in the public-land service, and I think he will agree with me that we would not accept any proof where the evidence merely showed that a person had squatted upon grass land—purely grass land—and had made no cultivation or improvements upon it. I do not think we would pass such an entry to final patent.

Mr. MONDELL. I want to ask the Commissioner, as a matter of fact, if a man did not squat, but settled, built himself a house and improved the land in good faith, and if the public domain was not valuable for

agricultural purposes, but was for grazing purposes, and that was the only value the land had, would not his proofs be good?

Mr. HERMANN. He must provide a comfortable habitation and make reasonable and necessary improvements.

Mr. MONDELL. That was assumed in the statement I made.

Mr. HERMANN. It must be shown that he intends to make it his bona fide home; that, with the compliance you suggest, will pass his proof—

Mr. NEEDHAM. How much of these 12,000,000 acres is in the Indian reservations recently opened by act of Congress?

Mr. HERMANN. I would not be able to give that clearly. I can say this, the quantity is not very great, and it does not specially impeach what I have before said as to the general public demand for homesteads. The demand is greater now than ever before. Certain lands are taken up by homesteaders now that even five years ago would not have been taken under any circumstances. The amount of land is becoming diminished and the demand is increasing, and a man will be satisfied with a less valuable 160-acre tract to-day than he would have been five years ago. There were more final homestead proofs made in the last fiscal year than in all of the nineteen years following the passage of the homestead law.

The CHAIRMAN. Has there ever been a homestead entry filed in Alaska under the homestead act?

Mr. HERMANN. There have been patents of 80 acres under the additional homestead scrip, but not under the act of May 20, 1862.

The CHAIRMAN. Then they have taken them without settlement?

Mr. HERMANN. As I say, there have been entries of 80 acres under the Alaska law, but not under the original homestead act proper.

Mr. ESCH. Did they limit the original land covered in the Wichita, Comanche, and Apache reservations in Oklahoma?

Mr. HERMANN. I think so.

Mr. BRUNDIDGE. Can any law be framed authorizing the leasing of the public domain for grazing purpose or any other purposes which would not in your opinion seriously retard and hinder the settlement of the public domain by homesteaders?

Mr. HERMANN. I think not. The result will be as you suggest, and yet there may be such a classification as will perhaps obviate the main objections.

The CHAIRMAN. Let us reverse that proposition: a man settles in an arid region and takes a quarter of a section of land, and he will have superior privileges over anybody else for grazing purposes, and to keep the nomadic cattle and sheep men off that land. Will not that stimulate instead of reducing the amount of homestead entries?

Mr. HERMANN. I will ask the honorable chairman what will those persons say who are to-day entitled to the use of the public domain, as well as the class to which you refer, if they should be excluded?

The CHAIRMAN. These homesteaders have the preferential right for leasing—the exclusive right for leasing. I have been preparing the bill on these lines, but I say frankly, if you are not prepared to answer this morning, you can take the time to answer a proposition like this: allowing no man to lease more than 3,200 acres of land under any circumstances, and then allowing freeholders or homesteaders to lease *ten times* the amount of land owned by them up to not exceeding *3,200 acres*, and thus preserve the lands exclusively to the owners of

homesteads and small parties in that vicinity, so that the nomadic herder will have to recognize the rights of the settler, as the settler is a taxpayer and the herder is not.

He starts his cattle from Texas and grazes them through to Montana, and he pays no taxes for anything, but he comes in and eats up everything that is in the neighborhood of the small settler and leaves a desert, and then goes on to the next place. Now, if you could relieve the country of an incubus of that sort, of a locust-like devastation annually, would it not increase the homestead settlement, instead of diminishing it, and have precisely the opposite effect of what my friend from Arkansas suggested?

Mr. HERMANN. I would like to see all the details and safeguards that such a bill ought to provide in the first place, because there is another class that do not seem to be included in your suggestions just now, and that is a very enormous class of people who reside not merely within the vacant confines, but those who are upon or near the boundary lines, and who have been using the vacant lands for many, many years, and deriving a sustenance in that way.

If you confine this leasehold exclusively to such as can settle within the particular boundaries of the vacant domain, it will be a question how far you will be doing an injury to these struggling people on the outside.

The CHAIRMAN. These other men would still use the leased lands?

Mr. HERMANN. It would depend upon the details of the bill, and I will be glad to look over them carefully before expressing an opinion.

STATEMENT OF HON. WILLIAM M. SPRINGER, REPRESENTING THE IDAHO WOOL GROWERS' ASSOCIATION.

Mr. SPRINGER. Mr. Chairman and gentlemen of the committee: I am here at the request of certain gentlemen who belong to an association known as the Idaho Wool Growers' Association, and they represent in the attitude which they have taken in regard to these pending bills the persons who are engaged in pasturing sheep on the public domain generally.

Of course all gentlemen who have been at all familiar with the increase of our Western country recognize the fact that there has been at times considerable contention and sometimes serious conflicts between those who were using the public domain for pasturage, between the cattlemen and the sheepmen, and we all recognize the fact that some legislation, perhaps, is necessary in order to avoid as far as possible these contentions in the future. Just how it can be done I confess I am not able to state, and I presume that if any member of this committee were called upon to frame a bill with a view to removing the friction which frequently occurs between these contending forces, he would be at a loss to know what to do. And if you were to call the cattlemen and the sheepmen together they themselves would find it exceedingly difficult to adjust their differences. Our experience up to this time has not been sufficient to solve this problem, and so far as the sheepmen are concerned they leave it to this committee to devise some measure by which these contentions may be lessened or removed entirely, if possible. In order to explain the position of the sheepmen I want to present for the consideration of the committee the

memorial which they have forwarded to Congress, and to which I desire to call the attention of this committee.

Mr. BURNETT. In reference to which bill are you speaking?

Mr. SPRINGER. I am addressing myself to the Bowersock bill, No. 7212, which is similar to the Millard bill pending in the Senate.

Mr. FLYNN. I think all these bills are about the same.

Mr. SPRINGER. Yes, sir; the general plan is the same, but the details are somewhat different. If you will pardon me I will read the memorial; it is not very long:

BOISE, IDAHO, April 7, 1902.

To the Honorable Committee on Public Lands, Washington, D. C.

GENTLEMEN: We respectfully submit our protest against the passing of Senate bill No. 3311, providing for the leasing of vacant public lands. The time which we have at hand will not permit us to secure a more extended expression of opinion upon this bill. If we had the time, we believe that practically the sentiment of the entire State could be secured against the bill. But we call attention, in the inception of this protest, to the fact that the State has, in fact, been heard upon the subject generally through its legislative body, which has spoken clearly and emphatically. It must be conceded, we presume, that the legislative body, composed as it is of men from all parts of the State and representing all interests, necessarily voices the general opinion of the State upon such a subject; and to the end that the views of our citizens thus expressed may be generally known, and that it may be understood that this move is condemned by the entire State, we inclose resolutions passed by the last Idaho legislature, which speak for themselves. There can certainly be no stronger objections to a law than the fact that it meets with the entire disapproval of all classes of people in those localities where the law is designed and is expected to be most effective.

So far as we know, the entire people of this State disapprove of the bill now pending. Whatever their views may be upon the general subject of leasing the public lands, it is safe to say that they look upon the present bill as in every way unfriendly to the interests not only of the stock growers, but of the settlers throughout the West. It bears upon its face the evidence, as they believe, of its authors; that is to say, the capitalistic interests of the West. It is certainly not designed to meet the demands of the small settlers, or of anyone else who may be limited in their means and capacity to take advantage of the bill. It would seem that it would be unnecessary for Congress to go so far in aiding capital to form what would practically be a trust with reference to the public lands when in these days capital seems able to form without the aid of Congress sufficient combinations to practically dispose of the smaller dealer in every line of life.

So far as we know, both the settlers and the stock raisers are opposed to this particular law. It practically deprives the homesteader of the right of locating upon the public domain. While he may actually make his location, he may be so completely surrounded by some large company with its leases for many years to come upon all the grounds surrounding as to deprive him of the advantages of the range, without which he can not live. The streams and outlets which make it possible for him to survive for the first years of his location are monopolized, and this can have no other effect than to make his location worthless and compel its abandonment. Under this law one or two large stock companies owning a hundred-thousand-acre tract, not an unusual thing, can easily control a million acres. What chances would the small stock raiser, the settler, the homesteader have under such circumstances? What excuse can be given for such an infamous piece of legislation gotten up under the guise of protecting the range, while in fact it is designed apparently to permit a few rich men to absolutely monopolize the range?

Another feature with reference to the settlers should be noticed. In a great many of the valleys, in fact in all of them, the first settlements are right upon the stream. The next comer locates just beyond the first comer's rights and, of course, is therefore situated next to the public domain. Now, under this law the new settlers have the opportunity of leasing the public land situated adjoining them and the old settlers, the first settlers, are wholly deprived of the benefits of the range, their ranches are rendered useless, except simply for farming, and by this means alone they can not live. Would this be fair? Would such a law likely be satisfactory to the settlers?

But it is said that the range must be protected. Concede, for the sake of the argument, that this is true. Must it be protected by means of such a bill as the one now

under consideration? Has the wit of man been exhausted in this piece of legislation, and is this the best that can be done? Can there not be framed a bill which will have the effect of protecting the range without, at the same time, turning the range over, when protected, to a few men, and utterly routing the small settler and the small stock raiser? We apprehend that it will hardly be satisfactory to protect the range solely for the purpose of turning it over to immense corporations.

But we insist that the ranges are not being destroyed. They support more stock now than ever before. At least that is true in our State. The stock upon the ranges has almost eradicated the straggling bunch grass, but the ranges are now being covered with and the bunch grass being replaced by a thick covering of firm grasses, making almost a sod of green grass, which will sustain more stock than it ever did in the burnt grass days.

There are many other features of this bill which undoubtedly have been and will be pointed out to the committee. We have simply gone thus far to disclose our objections in general to the bill now pending.

Respectfully submitted.

JOHN McMILLAN,
President Idaho Wool Growers' Association.

Mr. SPRINGER. And here is the memorial of the legislature of the State of Idaho protesting against the passage of this bill, which I will ask the stenographer to incorporate in my remarks.

Mr. BURNETT. A memorial protesting against the passage of this bill?

Mr. SPRINGER. Yes, sir; and giving some reasons, which are set forth.

The memorial of the Idaho legislature, submitted by Mr. Springer, is as follows:

EXECUTIVE DEPARTMENT,
Secretary's Office, State of Idaho.

I, C. J. Bassett, secretary of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 1, by Gooding, protesting against the enactment of legislation permitting the leasing of the public domain, which was filed in this office the 14th day of January, A. D. 1901, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 14th day of January, A. D. 1901.

[SEAL.]

C. J. BASSETT,
Secretary of State.

[Senate joint memorial No. 1, by Gooding, protesting against the enactment of legislation permitting the leasing of the public domain.]

To the Honorable Senate and House of Representatives of the United States:

We, your memorialists, the legislature of the State of Idaho, respectfully represent that the almost unanimous sentiment of the people of the State of Idaho is opposed to the leasing of any portion of the public domain to any person, persons, or corporations for grazing purposes.

Aside from the fact that such a policy would greatly interfere with the permanent disposal of the soil to the constantly increasing emigration coming into the State as homeseekers, it would inevitably result in great and almost irreparable injury to the entire agricultural interests of the State.

Every farmer and rancher in the State raises more or less stock. Our lands are largely arid and irrigation is a necessity. Water for irrigation purposes has generally to be conducted a considerable distance and largely through or over the public domain. It needs no argument to make apparent the injury which the occupation of the public domain by large bands of stock would inflict upon the farmer and rancher under the above-named conditions. The interests of the large stock owners, holding leases of vast tracts of the public domain, would of necessity conflict with those of the resident farmers and ranchers, and would, as we believe, and this belief is predicated upon experience, result in such a disturbance of social conditions and violations of law as would greatly retard the development of our State.

In addition to the above, the holding by lease of the vast extent of the public domain contemplated by such a policy would almost necessarily interfere with the development of our mining resources, embarrassing and obstructing as it would both the prospector and the miner.

For these and many other reasons, which we think a careful and candid consideration of the subject will develop, we most earnestly and respectfully protest against the enactment of any law by your honorable bodies recognizing or authorizing the leasing of any portion of the public domain.

The secretary of state is hereby directed to send certified copies of this memorial to our Senators and Representatives in Congress.

This senate joint memorial passed the senate under suspension of the rules of the senate and the constitution on the 10th day of January, 1901.

THOS. F. TERRELL.
President of the Senate.

This senate joint memorial passed the house of representatives under suspension of the rules of the house and the constitution on the 12th day of January, 1901.

GLENN P. MCKINLEY,
Speaker of the House of Representatives.

This senate joint memorial was received by the governor on the 14th day of January, 1901, at 2 o'clock p. m., and approved on the 14th day of January, 1901.

FRANK W. HUNT, *Governor of Idaho.*

Mr. SPRINGER. Mr. Montie B. Gwinn, secretary of the Idaho Wool Growers' Association, states in a letter to me as follows:

I would also state for your information that the last State convention of the State of Oregon met in Portland a few days ago and passed a unanimous resolution pledging their Senators and Representatives to vote against the leasing proposition in any form.

I may also add that there are a great many other objections to the leasing system that might be given than those already outlined. We maintain that it is contrary to the policy heretofore practiced by the Government when inducing the settlement of the vast Western country. The settler, as an inducement for locating in the West, was given land under homestead, preemption, and timber-culture entries.

Many of the locations were first made in the mountain valleys upon the streams. Since then, however, these valleys, under the system of irrigation, are now taken up for miles in width, so that under this bill all those old settlers would be deprived of the use of the range, as the settlers on the outside of the valley would have the first privilege of leasing, thus working a hardship upon the original owners or settlers of the valleys.

The grass referred to as succeeding the bunch grass is a short, nutritious grass which comes on the foothill range twice a year, and if a wet spring or fall, makes abundance of feed.

These are some views in addition to what I have stated.

Mr. MOODY. That communication is from whom?

Mr. SPRINGER. Mr. Montie B. Gwinn, the secretary of the Idaho Wool Growers' Association, Boise, Idaho.

I was very much struck with the question submitted to the Commissioner of the General Land Office by the gentleman from Wyoming (Mr. Mondell), who, in my opinion, is so much better prepared to judge of the effect of this legislation than are many other members of the House who have never visited the Far West. I desire to call the attention of the committee to one feature which was referred to by the Commissioner. This bill, as has been stated in the protest of the Wool Growers' Association, will retard the settlement upon the public domain, or rather retard the making of homestead entries on the public domain, and why?

During the past year the Commissioner has said that there were more homestead entries taken than in any similar period in the history of the country. Eighty-two thousand homestead entries were taken during the past year. The average family of a homesteader amounts to five

persons, and that shows a location of people upon the public domain equal to 410,000. That is a large number of people. Many of the States in the Union have not as many population. A whole State is created every twelve months by homesteaders going upon the public domain for the purpose of establishing homes for themselves and their children hereafter.

Mr. NEEDHAM. Does that benefit the sheepmen of the country?

Mr. SPRINGER. Perhaps not; it benefits the homesteader. If I were a member of this committee, and if I had the honor to again become a member of this House, I would not allow the settlement of our public domain by the homesteaders to be retarded by any pecuniary consideration, if I could help it, to the advantage of any other class of people, for the homesteaders are the people upon whom the future destiny of our country rests.

Mr. FLYNN. No man did more than Judge Springer for the Territory of Oklahoma in 1899.

Mr. SPRINGER. I thank you. Fifty-three years ago, when I went to the State of Illinois, I found that the settlers came from Indiana and Ohio and the neighboring States, and that they had come through the vast prairies and had traveled over them and located upon a stream and made entries on timbered land under the preemption law, believing, as they then did, the prairies to be worthless. This shows that the minds of the people are continually changing in regard to the value of the public domain. So, we do not know—our vision is too short to comprehend the possibilities of the future in regard to the public domain. These arid wastes that are now challenging the attention of our legislators will soon become the great grain-producing regions of the world, and I believe that the members of this committee will live to see the time when more of the cereals necessary to support life will be grown west of the Missouri River than are now grown east of it.

Hence, I can not too strongly commend the irrigation bill which is pending in Congress at this time. Irrigation is one of the means that must be used for the purpose of opening up this vast domain. Four hundred thousand of our citizens became settlers last year. Pass this land-leasing bill and the inducement will have been in large part cut off. This bill provides that the leasing of these lands for grazing purposes shall be subject to the right of homestead and mineral entry under existing laws of the United States, and when land is so entered it is to be canceled from the lease. All the land that a homesteader can possibly claim is 160 acres. So when a man takes a homestead hereafter under this bill, he only gets the use of that 160 acres. Heretofore the homesteader not only got the use of his 160 acres, but he had the privilege of grazing his stock upon adjacent lands. If this bill passes the opportunity of grazing his stock upon adjacent land is taken away.

Mr. MOODY. There is an amendment here which allows the homesteader ten acres for one. That is the amendment proposed by the friends of the bill.

Mr. SPRINGER. That refers to the homesteader who had located before this bill takes effect. And even then the land which the homesteader gets would be limited to 1,600 acres, which would hardly compensate him when you take into consideration that ten, twenty, or forty acres are sometimes required for the pasturage of one head of cattle. If this bill passes a homesteader hereafter making his location will get

the use of only 160 acres. The adjacent land will have been leased for grazing purposes for twenty years. There are some other provisions of the bill to which I desire to call your attention. The Commissioner called attention to one provision, and I will not undertake to repeat what he has said because he is thoroughly advised on this subject, but there are some things to which I think your attention should be called, and one of them is this:

The CHAIRMAN. This hearing is not limited to the Bowersock bill, but the general subject of any kind of a grazing and leasing proposition.

Mr. SPRINGER. The committee is now endeavoring to prepare a bill on this subject, if possible, and I think all the departments of the Government and all the persons interested in the public domain should cooperate with the committee to that end.

Mr. JONES. I do not know that the committee is preparing a bill.

The CHAIRMAN. There is a difference in the committee and they are trying to get information.

Mr. BURNETT. Your people are opposed to any kind of a leasing bill?

Mr. SPRINGER. They have so stated in their petition. I have myself been upon the Western plains and have some knowledge of the situation, and I will state what the difficulty is, so far as the sheepmen are concerned. Take Idaho, where the protestants live. In that country the sheep are pastured for a time on the lowlands, and when spring-time comes the herders drive the sheep up to the foothills and on the steep mountain sides, and continue their course until they get to the summit, the highest elevations. There they dwell for several weeks or more and then start back.

The sheep take every sprig of grass that comes up through the rocks on the high elevations and pasture on down until they get to the lowlands at the end of the summer season. They then spend the winter season in the low and sheltered portion of the country. This causes them to occupy a vast area during the whole year. If they were required to pay even 2 cents an acre for all the land they cover it would exhaust their resources—every sheep would “eat its head off.” Thus it will be seen that the present plan is such that it is absolutely inconsistent with any leasing system, for the reason they may perhaps cover a space of a hundred miles during the spring, summer, and fall, and then spend winter in the lowlands. This bill would require the owners of sheep to lease a certain portion of the public domain, either the highlands or the lowlands, and they would be confined to that portion.

In order to utilize the grass that actually exists in that country they must be permitted to graze over large areas of country. This is inconsistent with any system of leasing, and therefore they must of necessity oppose any system of leasing, because they must follow that course in order to make their grazing profitable. If any compensation is required of them it might prevent the grazing. There is advantage in this system of grazing, because in the summer time their stock is taken to high elevations, elevations covered with snow probably a third of the year, and by taking the stock to these high elevations they keep them there during the hot months and they are enabled to utilize all the vast domain for grazing purposes.

These people who utilize this domain are citizens of the United

States. The fleece of the sheep goes into the market to supply the home consumption which we are so desirous of conserving, and enables us to furnish our woolen goods and our meat supply at prices which would not be within reason if deprived of this privilege. Hence they are contributing their share to the building up of the country.

Now, as to the provision giving preference to those who were occupants of grazing lands during the year 1901. When they get that lease it is practically a lease for twenty years, and there seems to be objection to that.

Mr. MOODY. You are now referring to the preferences?

Mr. SPRINGER. The portion applying to 1901. The first preference is given to owners of cultivated agricultural lands, ten to one, and the next to the freeholder and homesteader, as you are going to enlarge it, and the "further preference to lands not leased under the foregoing provisions of this section shall be given to stock growers who were in actual use and occupancy of these lands during the year ending on January 1, 1901, to be leased to them in proportion to their respective interests in and use thereof." That would give to all persons who happened to occupy lands other than the homesteaders, and others mentioned, the right to lease the lands occupied at that time for twenty years, and if the lessee wants to dispose of it he has the right of assignment or subleasing; so when it once gets into his hands he has the right for the next succeeding twenty years to sublet it, and no one can tell the value to which it might increase during that time. It is said that the pasture will increase in value, for the reason that the lessees will be interested in improving quality of grass. There is something in that. That might continue for fifteen years, but what about the land when his time is up? You can not trust to interested persons the conservation of the public good; they generally look out for themselves.

There are one or two other matters to which I will call your attention. There is a provision in this bill that leases shall be made only to citizens of the United States. That is all right, and I think the committee should guard carefully against foreigners using our public domain for grazing purposes; but a corporation created under the laws of a State may be practically a foreign corporation. In other words, the stock of the corporation may belong entirely to foreigners, so that foreigners may take out a charter under the laws of a State and the capital stock will all belong to them. It might be an American corporation and the ownership might be Canadian or British. Hence there should be a provision in this bill to confine the holdings of the capital stock to citizens of the United States.

Mr. MOODY. That would not exclude persons who had declared their intention of becoming citizens of the United States?

Mr. SPRINGER. No, sir; I would not exclude those who intended to become citizens of the United States, because that is one of the objects of our homestead laws, to furnish homes to those who emigrate to our country.

In any measure which you may consider necessary to enact, I ask that you will give those engaged in the raising of sheep such careful consideration as you may believe their interests require. It has been asked: "Why not take Idaho out of the provisions of the bill?" The answer to that is this: If you take Idaho out of the provisions of the bill, then the sheep men of all the other States will rush into Idaho. It would be like jumping from the frying pan into the fire, and the

last estate would be worse than the first. Whatever is done must take into consideration the peculiar conditions surrounding those engaged in using the public lands for grazing purposes. There should doubtless be some classification of the lands that would be adapted to that purpose. But the classification of grazing lands is surrounded with the utmost difficulty, and I do not myself see how it could be done, for the reason that it is difficult to draw the line between what is grazing land and what is regarded as agricultural land.

Gentlemen, I thank you.

STATEMENT OF HON. JOHN C. BELL.

Mr. BELL. I do not think that the cattlemen's or the sheepmen's associations of Colorado are in favor of this bill or any other similar bill. As an owner of cattle on the range for many years, and in a locality most heavily stocked of any part of Colorado, I will say that the interests are divided about half sheep and half cattle, and we have a little trouble now and then but not half as much trouble as we would have if you passed any of these bills, I do not care which it is. Our troubles are not as bad as pictured. We never have lost a man over range contentions where I am. We have lost a few sheep at different times, but to-day the cattle interests and the sheep interests are thoroughly organized; they have executive committees and they have lines drawn, providing that sheep shall run in certain localities and that cattle shall run in certain other localities, and whenever a sheepman gets off of his territory, if he refuses to move, somebody moves him. There will be sheepmen who will move the sheepman, his friends, and cattlemen who will move the cattleman, and he generally submits.

The CHAIRMAN. He has to?

Mr. BELL. Yes, sir.

The CHAIRMAN. In other words, you have a leasing system of your own?

Mr. BELL. It is a condition; it is not a leasing system. Talk about leasing that land; nobody who has not lived in that country can settle leases satisfactorily for us. Our friends from Texas, while they can lease Texas lands, the situation in Colorado is not similar. They can get a windmill anywhere in Texas and water their stock. A man can go into Colorado and there is one stream that will run for 10 miles, and there will be miles of land around that, and the stock from either side for miles and miles must come there for water. Any man who would lease that would have a thousand acres for every one leased. You can not have a windmill, and you can not have any means of watering your stock if any man takes the part of the stream that is in the vast tract.

Mr. MONDELL. There is not so much water in your vicinity that is owned by individuals?

Mr. BELL. There is a great deal of high stream that is owned by people below, but the stock is watered in the streams just the same. They talk about sheep destroying grass and everything else. Sheepmen will swear that is not true. I have friends in the sheep business who have been in one place twenty years, and they will take an oath that the grass is better than the day they first occupied it. I do not know whether that is true, but they claim that while they have

exhausted the bunch grass that a better grass has come in its stead, a grass that is worth infinitely more than the original grass. One thing I do know, that for five or six years our grass has been tolerably short.

Last year we had twice the snow that we have had any year for the last five or six, so the grass recovered and we had a surplus of grass last year. We have had the same snows this winter, and we expect a surplus. Now, every sheepman on our range is trying to ward off the appearance of every other sheepman, and every cattleman is saying to every other cattleman that the range is occupied, and everybody, both cattlemen and sheepmen, is trying to protect that range, and they are trying to protect it just as thoroughly as they would if leased. There is not so much in the Texas leasing outside of the revenues to the State of Texas. We have one citizen in Colorado who has a very large tract of land in Texas, and who has owned as high as 100,000 head of cattle there, so it is said. That may benefit Texas, but it is not the cattle business we want in Colorado. We are running down in the number of cattle and we are running up in the grade. The big herds are now scattered, and the little herds have come to stay, of both sheep and cattle.

Mr. MARTIN. From your long experience in the West, I would like to ask you if those favoring the leasing system are not represented chiefly by the larger cattlemen, and that the small cattlemen are on the other side?

Mr. BELL. There is no exception. We have been fighting this system for twelve years, to my knowledge, and we have found that practically every time the enormous herds and the men who have the force that can control the range are on the side for the lease, and the rank and file of the people of the State want the ranges just as they are to-day. I do not know of any exception; every local cattle association and sheep association, there is no difference between them.

Mr. BRUNDIDGE. What about the men who claim that they represent the cattle associations?

Mr. BELL. They do not represent them at all. They do not in our State or any State.

Mr. MONDELL. Is it not true that until the sheep interest became pretty important in your State and the range became pretty well settled up, so many settlers, before the sheep came in great numbers, the large cattle men and the large associations were very much opposed to any leasing system?

Mr. BELL. I have never known Mr. Irish—

Mr. MONDELL. Mr. Irish is not a cattle grower.

Mr. BELL. It does not make any difference. He represented this idea, I think, some ten years as an attorney, I suppose—I do not suppose in any other way—and there has been a line of workers for years, and the individual cattleman throughout all that country, the individual sheepman, as far as I have known, and I have been in the range business for, I suppose, twenty years, have all been in favor of having the conditions as they are. I want to say that twenty-five years ago I sued the cattle association of San Luis Valley for killing 500 sheep. That war was twenty-five years ago. Joe Hutch, an old cattleman, came in and made them promise before the trial to pay for the 500 sheep, and then they entered into an agreement as to the occupancy of the range. The sheep run on a fixed part and the cattle on another.

There run the sheep and there run the cattle, with a perfect understanding between them.

We will take care of Colorado if they will let us alone, and our friends will take care of Idaho, and I think you will find that the Western States will take care of themselves much better than the people in the East or in the South can take care of us. It may be we do not know what is best for us, but I think we do. It is a good deal like our friends in the North trying to go down and settle the negro question for the people of the South. It is quite a different proposition when they get down to meet it face to face. That is all I want to say. I have at home the resolutions of practically every local cattle association and sheep association in the State of Colorado, and I do not know of a single one favoring this proposition.

The CHAIRMAN. I am a citizen of the United States; suppose I wanted to ship 10,000 cattle into Colorado; what encouragement would I receive?

Mr. BELL. You would not receive any at all; you would get encouragement to stay away.

The CHAIRMAN. They would kill my sheep?

Mr. BELL. No, sir. Here is the attitude of those people. I am in the cattle business. I have a small bunch in this locality and have been here many years. The cattlemen pay full taxes and make improvements and hire help and buy more hay than any other combination in that country from the farmers.

If it was not for the cattlemen the farmers could not live at all. Here comes a gang of sheep. They come up to our camp and the man says: "I have as much right as you have to this territory. I am a citizen of the United States and I have just as good a right to this public domain as you have." We say: "Yes, that is true, you have, and if you have a bunch of cattle turn them out here, or if you have a bunch of horses turn them out here. You have the same rights that we have." He says: "We have not any horses, we have not any cattle, but we have sheep and we are going to turn them out." We say immediately: "That raises a different proposition. You say to us that you will allow us to stay here, but we particularly want you to know that the moment you turn your sheep out that they will drive every cow and every horse we have off the range, because the horses and cows refuse to stay where the sheep are. You say that you have the same right as we have, but at the same time you put something there that drives our horses and cattle off. You might just as well put coyotes or dogs after our cattle. They would run them off, and the sheep will do the same thing."

Therefore the sheepmen and the cattlemen came together and they divided the sheep and the cattle, and they are working in harmony and are not complaining of one another. How does that hurt a citizen of Iowa or any citizen of Arkansas or any citizen of any other State? And if we are satisfied that we can divide it up to the best advantage, why permit some man who knows nothing about our special conditions, except in a general way, to come down and adjust it? I think we know what we want, and if you will just let us alone we will take care both of the sheep and cattle on that range.

Thereupon at 12 o'clock m. the committee adjourned.

COMMITTEE ON PUBLIC LANDS,

Wednesday, April 23, 1902.

The Committee on Public Lands this day met, Hon. Frank W. Mondell in the chair.

GRAZING LANDS.

STATEMENT OF MR. JOHN P. IRISH.

MR. IRISH. Mr. Chairman and gentlemen of the committee: As the members of the committee who were then present will remember, at my last hearing I endeavored to completely, as far as possible, cover in discussion the physical and economical features of the policy which this bill is intended to serve. I spoke then of other things, notably of the warfare which is going on upon the range, and is increasing in severity and fatalities every year.

Since I was before the committee this war has broken out, and in your own State, as you know, Mr. Chairman, there have been four men shot in Wyoming and a large number of sheep killed. During the coming summer I anticipate a great deal of strife upon the range. Judge Kleberg has just stated to me that which would put a stop to these disorders, and that is, put an end to the free grazing. Make the men pay for the grass that their stock consume, put it under leased protection, and compel them to administer it as a wise farmer administers his farm, which is done by protecting its fertility and not by destroying it, and put an end to the free grazing and put an end to the free fights, and that condition of battle upon the range is far from being creditable to this country.

I promised that to-day I would give my idea of this bill, of its adaptation to the purposes for which it was drawn to effect. To my mind I deem the most important purpose to be served by legislation of this sort is to prevent the progressive destruction of the range; to preserve it and preserve its stock-carrying capacity; to increase that capacity and restore it as soon as possible to the primitive condition of the range so that it may carry more cattle, more live stock. I believe that this measure will serve that purpose. We have the example of Australia and Texas in this respect. The range in both instances has been restored. The number of live stock has been restored and made as nearly as great in Australia, where the policy has been in operation seventeen years, as it was in the primitive condition of the range.

Texas is rapidly undergoing the process of restoration, and while Texas has not yet reached the cattle supply that she had from the primitive range, yet she is reaching a supply of better cattle. The ability of a man under the leasehold policy in Texas to protect his range and to keep his own herd by itself, has resulted in the disappearance of the primitive longhorn, and from Texas, as I said before, we are now getting the best range cattle that has ever been delivered from any part of the United States. They are bringing their herds up. Now, that means a greater value of each individual animal, as it costs no more to raise a steer carrying from 1,500 to 1,800 pounds than one carrying 1,000 or 1,100 pounds, and that depends upon two things: First, upon the abundance of the forage, and then upon the improvement of the breed. You get both of these things by putting this policy into operation.

Now it is entirely desirable, and is one of the first things that should be considered by this committee and by Congress, that in instituting a policy of this kind every settler should have his rights amply protected. The present small stock grower who is also a freeholder, the owner of meadows where he puts up his winter feed, should have his rights absolutely protected. I have endeavored, as far as I had part in the drawing of this bill, to protect the rights of both. If any gentleman can devise a better method of any kind in the terms of a bill for the protection of those rights, it will be entirely welcome to every gentleman concerned in this policy living in the West.

There is no desire nor disposition on the part of what are called the big cattlemen to do anything that will interfere in any way with the progress and prosperity of the settler or the small cattleman. They are all embarked together. As forage disappears the dependence of the little herd of the small cattleman for a livelihood rapidly disappears and the big cattleman finds himself seriously injured from year to year in the capital he has invested. Their interests are interwoven, are coordinate, and you can not separate them, and any law upon this subject should maintain the coordination and keep them together and do absolute justice to all.

Any measure that would put into the hands of the freeholder, the small cattleman, the capacity to smite the tyrannous big cattleman would be a measure against the interests of that country because the big cattleman in his day was a small cattleman and began as a pioneer in the business and worked up from it. He worked up by his business ability and genius and faculty, which counts, and many men who started as small cattlemen, with the whole country opened to them, have remained small cattlemen because they had not the genius; they had not the push to come forward, but a few did push forward, a very, very few. I do not think we have in all that region to exceed 20 men or organizations that may be called large in this business.

As I know of my personal knowledge, the major large cattlemen and large cattle companies are desirous of dividing their holdings, dividing their herds, and pulling out and getting out of the business. The majority of them are old men. Mr. Miller, the surviving member of Miller & Lux, is an old man, and the cares of business rest heavily upon his broad shoulders, and he would be glad to divide up his properties in many regions of the West and get rid of them and get the care of them off his shoulders. Now, this division I happen to know, because I know what the wish of a large number of these large cattlemen and companies is, and a measure of this kind would do in all this region exactly what the lease law has done in Texas—it would increase the number of herd owners, it would increase the number of herds, and it would decrease the number of head of stock of each herd. Of course you would have more herdsmen, more owners, more individuals and corporations represented, and you would have a decrease in the number of cattle carried in herds, all of which is desirable.

That decrease would come about in the first instance, as in Texas, by the desire of men who would acquire these holdings, who would acquire this large number of herds, to restore their range. In Texas, immediately when the leasing policy went into operation, every man began to reduce his stock to restore his range. Now Texas, which reached the low-water mark last year in the delivery of range cattle, will begin to build up and up, until finally she will stand alongside of

Australia in the renewal and rejuvenation of the resources and the number of cattle she will supply. Now, those are the purposes of the bill, and impinging upon those purposes is a desire to aid in a policy of irrigation which will pick up every acre of land, every drop of water which can be coordinated in all that region, and bring the lands into irrigation by devoting to them the water which will make them fertile.

Mr. ESCH. At this point might I call your attention to some points made against this bill by Commissioner Hermann, at which time you were not present?

Mr. IRISH. No; I regret to say.

Mr. ESCH. His first point, his first objection to the bill, is that as it is drawn it says that all vacant public lands West, etc., his idea being that would include timber, agricultural, desert, and stone land; that it might practically repeal the timber and stone act, in view of the fact that during the last fiscal year something like twelve million of acres were taken up for homestead purposes, and a great majority of that was agricultural land. What have you to say to that objection?

Mr. IRISH. My answer to that objection is that there is absolutely no impediment to the homestead process. It is intended to promote that process, because when the homesteader is free by proper legal consideration in this bill he can enter upon any leasehold, and under the terms of the lease it should be provided that no impediment be put in his way, and that a leaseholder who bars his way forfeits his lease, and make every leaseholder a Government hostage to behave himself, so far as the homesteader is concerned. Now it is not to bar homestead settlement at all, but to promote it. It will promote it by coordination, and the irrigation policy furnishing a sufficient fund for irrigation will rapidly bring irrigation into action and make more homesteads possible. While it is true it covers all public lands, does any man imagine any forest land is going to be rented under this bill? No, because it is against the policy of the Government.

I think I have said to you in print and elsewhere that every acre of forest land that is on the public domains should now be reserved as forest land by the Government. I believe in that thoroughly. Now, as far as the timber and stone acts are concerned, those acts have been an instrument of destruction and of fraud. There is not a man in the West but who knows that. Frauds have been committed in the administration of the stone act greater than those for which the act was drawn to guard against, and those frauds cover that whole region. I undertake to say that the passage of the stone act was secured of Congress by men who desired to use it for the purpose of fraudulently and improperly getting control under proper title of land out there.

In my State, in the mountains of California, I know the most shameless and barefaced frauds have been committed under the stone act. There never was a law affecting the public domain in the United States passed since 1789 that has invested a country so completely with fraud as has this stone act. That is my opinion. You can except the stone act and desert-land and timber-lands act, if you choose, from this bill and let the fraud go on. Let those who choose perpetrate and continue the perpetration—

Mr. MONDELL. Are not frauds perpetrated under all laws—State laws as well as general laws?

Mr. IRISH. Yes.

Mr. MONDELL. So, as a matter of fact, it would be impossible to frame any law——

Mr. IRISH. Certainly; I admit all that. You and I know perfectly well that in a very heavy percentage of homestead entries the men have not availed themselves bona fide of the homestead law but for purposes entirely foreign to that law. I know that perfectly well. This bill would have a tendency, however, to promote good faith in taking advantage of any sort of land laws; it would be promotive of good faith rather than derogatory thereto.

Mr. KELBERG. It might be well to answer the objections of the Commissioner.

Mr. IRISH. Yes, I would be very glad to do so.

Mr. ESCH. I had another to raise as soon as you concluded.

Mr. NEEDHAM. I understand the whole argument of you people who appear here in behalf of this bill is that you have no pride in this bill, but appear here in behalf of the policy?

Mr. IRISH. In behalf of the policy; yes, sir. If anybody can adapt a law to the accomplishment of that policy, why, God speed him.

Mr. KLEBERG. That is the reason I think it is well for you to answer the objections raised by the Commissioner.

Mr. IRISH. As far as the Commissioner of the General Land Office is concerned, he is a very able gentleman, who has been on both sides of the question; the next heat he may be on our side; he started in with us, went over to the other side, and I expect when he comes around again he will be with us.

Mr. KLEBERG. He says, for instance, that classification is absolutely necessary.

Mr. IRISH. I am willing to have classification if you can make it.

Mr. KLEBERG. He then says there ought to be a sliding price of lease, that it would be entirely too low for the great bulk of public lands.

Mr. IRISH. When you get the sliding price then that collides with another sentiment which exists among the prejudices which oppose this bill, and among the practical propositions that oppose it. When you strike the sliding prices, then on your best classification of land only those who are exceptionally able financially can afford to pay that price, and then up comes the cigar-makers' union and the tailors' union, and all other unions, complaining that the poor man has been shut out by classification. That is the trouble, and that is the main reason for placing a uniform price in this bill, so that no man can say that he is shut out by conditions; we forbid the putting up of leases at auction and we make a uniform price, so that the interest of the small man and the poor man shall be conserved.

Mr. KLEBERG. Then he objects to subleasing.

Mr. ESCH. He says that section 3 of the bill provides leasing at the rate of 2 cents per acre. He said as it is drawn it would not guard against subletting on the part of people who got a lot of this land, but that they could sublet it at a much higher rate than they paid to the Government. What is there in that objection?

Mr. IRISH. My idea has been all the time that the regulations provided by the Secretary of the Interior would forbid the assignment of any lease unless under conditions approved by the Secretary of the Interior. I think that safeguards it absolutely. That is why such a margin is left for regulations of administration.

Mr. JONES. Do you not think there should be an expressed condition of that kind in the bill?

Mr. IRISH. I am perfectly willing to that. That the assignment shall only be under such conditions as the Secretary of the Interior approves. He will instantly detect speculation, of course. Now there is one feature of the assignment clause which ought to be there which I regard as a necessity in the bill. Where the leasehold depends upon the freehold, when a man sells his freehold he ought to have the right to assign the leasehold with the freehold.

Mr. JONES. I understand you have no objection to a provision in the bill limiting assignment to simply that proposition?

Mr. IRISH. Limiting assignment without the consent of the Department in such cases as that, but all other assignments to be with the consent of the Secretary of the Interior.

Mr. JONES. You would limit it entirely except in a case of that kind?

Mr. IRISH. You want some little flexibility. For instance, if a herdsman who has a leasehold sells his herd and goes out of business, he ought to have the right to come to the Secretary of the Interior and say, "I have arranged to sell my cattle and the sale of my cattle depends upon the right to transfer my lease to the buyer." I think he ought to have that privilege.

Mr. JONES. I hardly think so.

Mr. IRISH. Then you make him stay in the cattle business whether he wants to or not?

Mr. JONES. He can dispose of the cattle all right. That gives him the right to the public land as a sort of commodity.

Mr. KLEBERG. As long as it is not speculative why not transfer?

Mr. IRISH. Yes, as long as it is not speculative. Now, what were the other objections?

Mr. ESCH. Another objection was made because the condition of the homesteader is too poor to pay for herding, and that being the case under the provisions of the bill he can be hauled before the courts very often, and the result would be a practical notice for him to move on. I understand that is the import of another objection which the Commissioner of the Land Office made.

Mr. IRISH. Well, that may be a valid objection; I am not prepared to say; I would want to know how poor the homesteaders are.

Mr. JONES. I know a great many of them in our country are poor.

Mr. IRISH. Like a good many of us who went West in primitive times. That may be a valid objection. If so, there should be a safeguard. Now that provision in the bill is to protect the homesteader and the stockman alike against the wandering nomad who drives his flocks and herds over everybody. That is going on now and they can not arrest it. The homesteader to-day is eaten out right up to his fence by hundreds of thousands of stock driven through that country. That is going on now, and the object is, it will enable every homesteader to surround himself with a leasehold zone. Then put that zone under the protection of the law against trespass so as to give the homesteader a remedy.

Now, if Mr. Hermann thinks some other provision is necessary on the question of trespass, put it in the bill. My object is to protect the homesteader. I tell you what I know in the valley of the Snake River and all over that country, the homesteaders have been absolutely run over and trodden down, not by the standard stockman, who has got a

local habitation and headquarters and is attached there and is a land owner, but by the wandering nomads, who drive their flocks hither and yon over everybody's property. In some places it is the sheep man. It is these wandering nomads who have eaten the country up, and it is a growing curse.

Mr. KLEBERG. What will become of the present homesteaders when inexorable fate, in the shape of wandering stockmen, has driven them out?

Mr. IRISH. Precisely. What you have seen in Texas goes on all over this country. The homesteader, as Judge Kleberg says, has his worst enemy in the wandering stockman. This condition of affairs is one of the causes of the war that goes on, this tramping over the existing homesteader. Now, go into Idaho, go into parts of Nevada and eastern Oregon where there are homesteads, and you will find all of those people in favor of that feature of this bill; they want protection. No man in any of those places is oppressed or in any way injured by the located stockmen—the man who is following it as his business, who has his own freehold, who has his own headquarters. As you know, Mr. Gilcrest, there the homesteader gets along without any trouble. Have you had any?

Mr. GILCREST. None, whatever.

Mr. IRISH. But it is the nomad who is the enemy of the located stockman and the homesteader both. Now this bill is intended to shut that off.

Mr. KLEBERG. The stockman is a fixture, has land leased and possibly freehold, and is always amenable to the law?

Mr. IRISH. Certainly.

Mr. KLEBERG. While the nomad is here to-day and there to-morrow.

Mr. IRISH. He is a nomad, an outlaw, practically. This is the condition. If you gentlemen could go into that region and study up the history of these feuds and acts of violence, you would be very much enlightened upon the effects which have been produced by the present conditions there. Now, I tell you gentlemen, as Judge Kleberg has just stated to me, the only remedy is to put an end to free grass. When you do that you begin the protection of the homesteader, you protect the settler, you have begun the renewal of the stock-carrying capacity of your range, you have brought in peace and order in place of murder and lawlessness; and there is no other way to do it. Now, what further objections did the Commissioner suggest?

Mr. ESCH. He suggested the remedy of classification, but admitted it was a very difficult thing to carry out in practice.

Mr. IRISH. Exactly. I studied that question of classification. As I drew this bill originally I had in it a section authorizing the Department of the Interior and the Department of Agriculture to classify those lands. When I came to consult the two Departments I found nobody who was able to say that could be efficiently done so as to be satisfactory. It is a task of very great difficulty, indeed, therefore we hit upon this plan of a flat rental of 2 cents per acre for all of it. When you classify into a tract large enough for grazing there is not a grazing tract in all that country which will not have in it very heavy percentage of land that produces nothing. Of course that brings down the average value of the whole. You find desert patches, you find alkali lakes, you find stony mountains, and you find in any tract

you can select for grazing purposes certain portions of land absolutely nonproductive, which brings down the value of the whole.

This is another reason why this flat rental was fixed. Suppose you were able to classify it, you would bunch your land here and there in patches, as in classifying, of course, there would be an effort to eliminate and leave out of this first classification most all of these barren patches. Under my system they would pay rent along with the rest, and my judgment is when you have gone to work and classified the land and gotten down to the financial result of the rental, you will not get any more rental than this bill will furnish.

Mr. MOODY. The Commissioner insisted there would be some danger of large cattle companies seizing homestead cattle which had encroached on their leasehold.

Mr. IRISH. We just had that question up, and I explained to the gentlemen that this bill was drawn to protect the settler and the homesteader, that the worst enemy he has is the wandering cattleman. You know that. It is drawn to protect him and to permit him to surround himself with a leasehold zone which is under the protection of the trespass provision of this law so that he can protect himself. Now I undertake to say, knowing as I do the relations of the large stockman there now to the settlers, that there never would be a single prosecution for the trespass from the settler's cattle getting on to the big stockman's land, because they can not afford to do that.

Mr. MOODY. I think that is true.

Mr. IRISH. You know that. Under this bill, if the homesteader is not able to fence, and all that sort of thing, to guard his herd, and the herd goes on the stockman's land, you will never hear of a prosecution or any trespass because of the relations in which those two interests are now. The relation which will not only exist if this bill should become a law, but a relation which will be strengthened in every respect. Those two classes are coordinate; one impinges upon the other and they work together. The homesteader, as it is, has the power to inflict a great deal of damage upon the big cattleman if he chooses to do it, but take the cattlemen as a rule, they have always been on the best relations with the homesteader. But the nomad comes with his dogs, and his gun, and his flock, and that fellow eats up the homesteader and the settler, and then fearlessly invades the large stock growers' pastures where his stock feeds, because if a vaquero in the employ of a large stockman touches a sheep herder, then there is trouble.

A big cattleman told me in Denver the first of last month that he wanted this law. That he would rather pay rent for his grazing bigger than this 2 cents, for if one of his vaqueros got mad or drunk and killed a sheepman it would cost him more to get that fellow free than all the range would cost under this rental for ten years. One spent \$100,000 in a fight of that kind to get his man clear. They have had these severe lessons, and it is the small stockman and the homesteader who will turn out on occasions and put up a fight because nobody touches him. He has not property enough to make him respond, and a jury of the vicinity invariably clears him because every member of the jury would have done exactly the same thing. Now, what were the further objections of the Commissioner?

Mr. ESCH. Mr. Bell, who was before us a week ago and who is here

now, stated that all the small stock raisers of Colorado, practically, were opposed to the bill and that they were well content with the present system. That if the Federal Government would let them alone they would adjust the matter themselves, and under present circumstances the cattlemen and sheepmen and horsemen were living in amity and peace and that really there was no violation of law.

Mr. IRISH. Yes, if you desire to know what amity and peace is—

Mr. ESCH. I think I stated your position?

Mr. BELL. Yes, substantially.

Mr. IRISH. If you desire to know what amity and peace means between those interests, the current news from Colorado—

Mr. ESCH. I saw the articles to which you refer.

Mr. IRISH. There have been more homicides committed in Colorado in fights between those classes of men than any other State or Territory in the Union. When I was in Colorado a year ago last March, 50 miles of the Western Colorado line was being patrolled by Colorado stockmen on horseback, with Winchesters, shutting out sheep herders and sheep coming from Utah where they had eaten Southern Utah out. In a discussion presided over by the stock organization, that I gave you when I was here before, up at Ladore they uttered this sentiment, that the public domain there belonged to them, that they will not permit anybody to come in there, and they enforced that decree last year by murdering 2 sheep herders and killing, I think, 2,000 sheep. Not long ago five or six thousand sheep were driven over a cliff in Colorado and piled up at the bottom and 3 sheep herders were killed.

Those may be peaceful conditions in Colorado, but in California we would call that trouble. It may be evidence of friendship and perfect peace between those classes in Colorado, but in California, where we are a very truculent and a fighting people, we would call this anything but peaceful and no evidence of friendship at all. Now I get these things out of the Colorado newspapers. I wish I had brought them here. I have clippings enough to fill your hat showing these disorders in Colorado. I dislike to differ from any gentleman from Colorado on this subject, but I am forced to go by what comes to me as news from his own State.

Another thing. The Colorado stockmen are far from being united in opposing this policy—far from being united. The American Cattle Growers' Association has a large membership in Colorado, and every Colorado stockman in that convention, which was held on the 4th day of last March, voted for this bill—every one of them. Apparently they were not united—far from being so. Now, one further thing, and I will be glad to close and thank the committee. Your docket is crowded with petitions from labor unions against this policy. The committees in both Houses are crowded with petitions and appeals from labor unions on account of the high price of meat. I said, as Mr. Gilcrest will remember, four years ago that the time was rapidly approaching when beef would be a luxury upon the American table. I reasoned from the economic and physical conditions.

I stated that the most economical method of producing beef, which is on the range, was disappearing, was being destroyed, hence that time has come when beef is a luxury. It is a luxury to-day. Why? Because it can no longer be produced in sufficient amount by the most economical method. That is one reason. I do not excuse the beef trust. If there is a beef trust in fact, I will sick anybody on who goes for it; but

I say the physical and economic conditions which at present are presented by this problem, which I foresaw four years ago, have made a very large difference in the price of beef.

One reason for my conclusion was that ever since the census of 1870 the number of head of cattle per capita to our population has continually decreased. There is a relative increase in the number of cattle, but that increase has not kept pace with the increase of population. The other physical condition that was one of the bases of my calculation was that this most economical method of producing beef, to wit, on the range, was being rapidly destroyed and was forcing the production of beef back upon the high-priced land this side of the Missouri River. That process is going on. And now let me read some figures:

Receipts of Western and Texas cattle.

[“Western” means the range stock outside of Texas.]

| | Texas. | Western. | Total. |
|-----------|---------|----------|---------|
| 1895..... | 359,643 | 430,526 | 790,169 |
| 1901..... | 161,419 | 140,478 | 301,897 |

The decrease in the total of both classes of stock was 61 per cent plus. The individual decline was in Westerns 67 per cent plus, and in Texans it was 52 per cent plus.

The most economical supply of beef, then, declined in those six years 61 per cent, and the demand had to fall back upon the more expensive source called by the stockmen “natives,” by which they mean cattle raised in the agricultural States, pastured on inclosed land that averages in value \$60 per acre, and requiring a long season of shelter and feed. The supply from that source increased, but with high cost of production came a rise in price on the hoof.

The top price in 1895 was \$6 per hundred, in 1900 it was \$15.50, and in 1901 it was \$12. It may be objected that top price demonstrates nothing, therefore we resort to the average. In 1895 the average price on the hoof was \$5.41 per hundred; in 1901 it was \$6.88, a rise of 27 per cent plus.

The current 1902 figures are not in, of course, so that the statistics can not be given. As far as they go they show for the period given 61 per cent fall in supply from the ranges of Texas and the West and a rise of 27 per cent in price. It will be seen at once that the increase in price on the hoof is not enough, and the rise of 50 per cent on the butcher's block has not gone back to the producer, but stops with the retailer and wholesaler. But who can say that if there were no beef trust at all and the law of supply were left free to work, the normal rise in retail prices would be less than the rise that is complained of?

Your docket is crowded with protests of cigar makers', tailors', and other labor unions against the leasing of these ranges on the public domain, and the Federal Government is pelted with petitions from the same labor unions against the beef trust and the high price of beef. This illustrates the defective reasoning of men and the misuse of organization. The leasing of the ranges will tend to restore their forage, recreate their stock-carrying capacity, bring their supply up to that of 1895, and carry it beyond that point, take 27 per cent off

the price on the hoof, and cheapen beef to the consumer. By protesting against all this the labor unions are creating a condition worse than the beef trust. That can be dealt with by a Federal court. But by their protests the labor unions are destroying the meadows, they are spreading the desert, they are drying up the springs, they are decreasing the flow of the streams, they are the friends of drought, the promoters of famine, and the makers of the high prices of which they complain.

Restore the conditions of 1895 and years anterior to that in the production of stock in this most economical method, what do you do? You take 27 per cent off the present rise in beef and you leave but 23 per cent to be attributed to the beef trust.

Mr. MONDELL. Do you understand these organizations are protesting against such legislation on their own initiative?

Mr. IRISH. Not at all. That is why, Mr. Mondell, I say it is a misuse of organization. You and I know there has never appeared on this earth from the organization of the assassins in Asia and any organization down to the Christian church itself that was not sought by men who desire to accomplish a sinister purpose to be used because it is an organization, and therefore I say it is a misuse of organization.

Mr. ESCH. Did I understand you correctly when you stated that the decline in the Texas supply was 50 per cent and the Western over 60 per cent?

Mr. IRISH. Yes, sir; 67 per cent Western.

Mr. ESCH. Now, with your land-lease system in Texas would that account—

Mr. IRISH. I just explained to you that when they began the leasing, which is a recent policy in Texas—

Mr. ESCH. Not fully established—

Mr. IRISH. They began dividing and decreasing their herds in order to restore the forage, and Texas has not yet reached her former condition, but the forage is being restored.

Mr. KLEBERG. There is another reason. A few years ago there was a rapid fall in the price of stock and they were rushed on the market and people went out of business.

Mr. IRISH. That is true; but now Texas is coming up and coming up, and land that five or six years ago supported only one steer now supports four or five; so Texas is coming up. There is another illustration to which I desire to call attention. Mexico to the south has adopted a liberal leasing policy in regard to her land laws, and Americans are going to Mexico. Canada to the north, British Columbia, has adopted the leasehold system, and within the last eighteen months over three thousand Americans have gone from the United States to British Columbia to take up land under such leaseholds.

Over two hundred stockmen have left the State of Wyoming and gone to British Columbia. What does that mean if we let this destruction of the range go on? It means that the supply of beef for export purposes is going to be taken away from us, and we will have left to us only the most costly method of production, and this industry will be transferred to British Columbia on the north and Mexico on the south, as they by leasehold are protecting the most economical method of production. You inquire in your State, Mr. Moody, and you in yours, Mr. Jones, and other gentlemen who represent these Western States where there are trained stockmen, and you will be astounded

when you learn the number of men going to British Columbia and taking up these leaseholds which the Canadian Dominion has provided for, and most liberally.

Mr. JONES. I see by the papers recently that several parties in my town have gone there.

Mr. IRISH. Yes; do you not see these conditions are exiling our neighbors? American-born people find themselves driven out of their own country because the conditions are such that they can not follow their calling, and their flocks and they are going where they can follow that calling, where they will derive a greater security; and you and I know absolutely that that means the transfer of one of the sources of the world's meat food supply from the United States to Mexico on the south and Canada on the north.

Mr. ESCH. Would not the climatic conditions of Canada interfere?

Mr. IRISH. The climatic conditions of Canada are better than the Rocky Mountains. They have the Chinook winds and they work where the Chinook winds come. Do you know, my dear sir, North Dakota has an earlier farming season than the State of Iowa? Why? Because the Chinook wind blows as far as North Dakota. The lands are plowed and seeded even earlier than in the State of Iowa, where they do not get the Chinook winds.

Mr. ESCH. Does that obtain on the West slope?

Mr. IRISH. Yes, my dear sir. You know the Chinook, both of you gentlemen. You have gone to bed time and again when the ground was covered with snow and in the morning everything would be melting and in a few days there would be the green grass; that comes from the Chinook, which blows from the breast of the Japan current, which is surrounded by moisture and a great many economical conditions which make our country profitable. We have the greatest waterworks in the world. Our waterworks are situated near the equator, below the Philippine Islands, where that current receives moisture, and it comes over and reaches our coast and gives us moisture and our bread and our meat.

Mr. ESCH. Does the Chinook wind come on this side of the Rocky Mountains?

Mr. IRISH. It blows through the passes in the Rockies and blows over the mountains.

Mr. BRUNDIDGE. The discussion I have heard in your argument on the question has been wholly upon the idea that we must look after the stock interest?

Mr. IRISH. Yes.

Mr. BRUNDIDGE. You stated in connection with Canada that it has adopted the grazing leasing system.

Mr. IRISH. So has Texas and Australia.

Mr. BRUNDIDGE. Now, the primary object, I take it, of this committee, at least it is with me, as far as the public domain is concerned, is to hold it for actual settlers to enable them to build homes on it?

Mr. IRISH. Yes; that is my primary object also.

Mr. BRUNDIDGE. I would like to ask you what has been the effect of the leasing system of Mexico and Canada, of which you spoke, upon the question of the settlement of the public domain?

Mr. IRISH. It has increased the number of settlers.

Mr. BRUNDIDGE. How long has it been in effect and to what extent has it increased?

Mr. IRISH. That would require a reference to the official statistics. But you may readily understand when I say that 3,000 Americans in the last eighteen months have gone into Canada; that implies an increase of 3,000.

Mr. BRUNDIDGE. I understood from your argument those people went there for the purpose of grazing and not for the purpose of making homes upon the public domain?

Mr. IRISH. These were homestead leases in Canada, and they go there to remain there permanently and follow their business the same as though they went as carpenters, or bricklayers, or hodcarriers, or farmers. Now, my intention in this bill, and if I have failed in imprinting upon the provisions of that bill my intentions then I am a melancholy failure, my effort has been to promote homestead settlement in the West and to promote it by protecting the homesteader from being eaten up by the wandering nomads, to make the stockman pay for the grass he uses and keep his stock on his leasehold.

Mr. BRUNDIDGE. Do you think that bill would protect the homesteader and that the homesteader would likely go into a vast tract and take a homestead where he was surrounded by several hundred thousand head of stock?

Mr. IRISH. He would be more likely to go in there to make a homestead than under the present conditions.

Mr. BRUNDIDGE. For what reasons, do you think?

Mr. IRISH. Because, my dear sir, under the provisions of this bill he gets a homestead and he acquires a franchise of ten acres of leasehold land for each one acre of homestead, so he surrounds himself there with a zone of leased land of his own. There has never been any fight between the located stockman, large or small, and the homesteader and the settler in the West, never. The fights are between the wanderers who are enemies of both the located stockman and the settler, and it is to put an end to that condition of warfare. The homicides have begun there now, and there will probably be a hundred murders committed there——

Mr. BRUNDIDGE. Where?

Mr. IRISH. In the West.

Mr. BRUNDIDGE. What portion?

Mr. IRISH. All over the West.

Mr. BRUNDIDGE. We had some gentlemen before this committee who live in the West who say that condition of affairs does not exist?

Mr. IRISH. All right; I take the criminal records of the West; I take the court records. There is not a State or Territory in all of the region that has not cases of the prosecution of men for homicides in these fights. There was, which I presume Mr. Shafroth remembers, printed in one of the Denver papers a letter from an enemy of the leasing policy in which he says it is true the range is being destroyed at the rate of 5,000,000 acres a year, and he says the murders average 500 a year in fights over grazing, and he is an enemy of this policy.

Mr. SHAFROTH. Who is that gentleman?

Mr. IRISH. His name does not appear in the paper. It was printed in a letter sent to the Colorado delegation.

Mr. BELL. I know, as one member from Colorado, that that condition there does not exist.

Mr. SHAFROTH. There is not any doubt some difficulties occur, but *any such number is far out of proportion.*

Mr. IRISH. I am not responsible; it is from an enemy of this bill. I was here before this committee about a month ago. Since then four men have been shot and about two thousand sheep have been killed in the State of Wyoming, beginning early, and when it begins early then we know it is going to rage through a long season. I venture to say between now and the time when snow falls next fall there will be twenty murders ranging between New Mexico and Montana.

Mr. KLEBERG. Before we had this law in Texas the governor was compelled to call a special session of the legislature to enact a very drastic fence-cutting law, and the lawlessness did not cease until we had the leasing law and then it stopped immediately.

Mr. BRUNDIDGE. I do not think your land in Texas is a criterion of all the public lands of the United States.

Mr. KLEBERG. I am speaking of the question of lawlessness.

Mr. IRISH. Let us discuss that for a moment, if you will pardon me. Given the same physical condition in Texas and over the range of the United States, that is true; given the same results of use in common, free, and that is true; there are the same results in Texas that have appeared over all the domain of the United States. Given the same condition of lawlessness, and that is true; here is a remedy that has been applied in Texas that has remedied all of these conditions, and the remedy applied outside of Texas ought to remedy those conditions there also.

Mr. BRUNDIDGE. Not unless the same conditions——

Mr. IRISH. There is the same condition exactly. I think I left here when I was here before the experience of Australia, which will be in the document showing that Australia adopted laws seventeen years ago that has given a condition of peace, that has increased the ranges and increased the live stock of Australia.

I am very much obliged to the committee, and you have been very patient in giving me these two very discursive hearings upon this subject, for which I thank you; and no matter what this committee may do or what Congress may do, this is a matter that has been upon my mind amongst the things which as a public man I have considered for thirty years, and it has reached now really the crux. There are conditions which have to be met by some remedy, and no matter what may occur next week, or next month, or this session, I propose to keep up my campaign of education on this subject, convinced when this policy has been in operation one year, there is not a man west of the Missouri River or east of the Missouri River, of any class, who would ever consent to its repeal.

It was opposed by everybody apparently in Australia, and opposed in Texas, and opposed wherever it was instituted, but when instituted opposition melted away and reappeared in enthusiastic approval as soon as the results were made apparent. I know that will be the case when this policy is entered upon by Congress. That strengthens my faith and hope in continuing the agitation of this question and the education of the people upon it, as far as they may need education, until this policy shall have been accomplished. I thank you, gentlemen.

There is a leasing sentiment in Colorado, held by men who are tired of holding range by fence or Winchester.

The Rocky Mountain News, published in Denver, and owned by Senator Patterson, is becoming more tolerant, as shown by this editorial:

LEASING PUBLIC LANDS.

The leasing of the public domain for grazing purposes is a matter that has been much discussed in range cattle growing circles. It is favored and opposed by cattlemen as their interests may be injured or benefited. There are some good arguments both for and against the proposition, which are above and outside of all personal consideration, but no law has ever been devised and presented to Congress which seemed fully to meet the requirements of the case, and so Congress has failed to act and has left the public domain open as a common grazing ground for all who wish to place stock upon it. Small herd owners have felt that they would be crowded off the range by the big companies, with their big corporate pulls at Washington, if a leasing system were established, and for this feeling the large companies have no one but themselves to blame, because of the spirit many of them have displayed on the range. On the other hand, it is a fact that if a cattle company had a leased area it could be compelled to keep stock on such land and not permit it to stray off on other ranges. An incentive would be given for the better preservation of the grass.

There are bills now pending in both Houses of Congress for the leasing of the public lands for grazing purposes at the uniform rate of 2 cents an acre per annum, leases to run ten years, with a privilege of a ten-year renewal, the income from the leases to form a fund for reclamation by irrigation. Farmers have the right to lease 10 acres of grazing for one of farm land, immediately adjoining. Other provisions of these bills seem fair, yet it must be remembered that there are always methods of evading the provisions of such laws, and of invalidating their spirit—as cattlemen have frequently done—which leads to the suggestion that there is danger in allowing anybody to get a hold by lease on any portion of the public domain. While the pending bills provide that as soon as land shall become irrigable leases shall terminate, the entire range interest would be arrayed against their being allowed to become irrigable lands. As an illustration witness the trouble experienced in getting possession of Indian reservations under lease to grazing companies. After it has been definitely determined what lands can never be irrigated, then it doubtless will be proper to consider a permanent leasing law.

In the same reasonable tone is this from the annual address March 4, 1902, of Mr. Grubb, president Colorado Stockmen's Association:

Your executive board has been at work trying to devise some plan by which the vexed question of land leasing may forever be put to rest. I am pleased to notice that much of the intense, bitter feeling on this question has subsided, and leaser and antileaser are now discussing the question in a spirit of fairness and with an honest intention to solve the question if possible for the best interests of the entire industry. If the grazing country was all mountains or all plains it might be accomplished by some leasing plan, but, unfortunately, that is not the case.

It was my pleasure a few weeks ago to discuss this question with President Roosevelt at Washington. I was very much pleased to learn by my conversation with him that he has a personal knowledge of the difficult condition that surrounds this question, and he told me he would not favor any bill that did not fully provide for the protection of the small stockman and pioneer home builder. I fully believe that, if it is ever desirable to amend in any way the laws governing the public grazing lands, it should be done while the Presidential chair is occupied by a man who has a personal knowledge of the existing conditions, and a man we all love to honor as the country's President. [Applause.] The only President who has ever lived in our great West. But this is one of the important questions you will have to consider and act upon at this time. [Applause.]

Let us reason together in a spirit of fairness, with an honest purpose to dispose of this question in such a way that it may not work a hardship on any one more than is necessary for the welfare of the whole. [Applause.]

The Gunnison County Stockmen's Association in its meeting February, 1902, voted against leasing, and then referred to its executive committee, for action, the subject of "discountenancing the bringing in of outside herds upon the public lands of this county." The Gunnison stockmen want free range for themselves, all other citizens "*discountenanced*."

The Springer (N. Mex.) Stockman prints this from Mr. Porter, a stock grower of that Territory:

DEAR EDITOR: The inclosed copy of a bill prepared by the committee of the American Cattle Growers' Association, and introduced by Congressman Bowersock in the House of Representatives of the United States December 18, 1901, is intended to secure the following benefits to the people of the country:

To rent, reserve, and hold all the grazing lands in the United States west of the one hundredth meridian, to make homes for all the people of the country in the future, as fast as they can be reclaimed and brought under cultivation by irrigation, and not given away under pretenses of one kind and another.

To create a vast fund by renting the above lands at 2 cents per acre to actual occupants for ten years, with the privilege of ten more if not sold, but subject to homestead entry, which fund is to be used for the purpose of irrigating these semiarid lands.

To give to the actual settler and stockman the right to rent these lands, to fence and improve the same, provide permanent water on lands, where none now exists for stock, by reservoirs or wells, and a few stacks of wild hay, alfalfa, or sorghum to feed and protect them during severe storms and give absolute security from loss.

To keep from overstocking the range, and thus cause the grass to at all times attain such a growth as to provide feed for six to twelve months during the year, and prevent losses ranging from 10 to 50 per cent in cases of severe drought or bad storms, or when the grass is eaten down close to the ground.

To increase the quantity and quality of stock two or three fold, which can be done if all grazing lands were fenced and watered so the occupant could use thoroughbred males, regulate numbers, feed, etc., thus preventing a scarcity of stock, which now threatens the country, owing to the great increase in population and the increasing demand for land for other crops.

To give greater security to merchants, bankers, and all other class of business men throughout the country who give credit to stockmen, and who are frequently driven to panic or suspension when the stockmen meet with great loss from storms or severe drought, and their stock is scattered and dead all over the plains.

To increase the revenue of the West twofold or more by the greater value and number of stock that could be raised in pastures, also by the more correct assessment and greater facility for arriving at correct numbers.

Fancy, if you will, the semiarid country from the one hundredth meridian to the Pacific coast cut up into pastures of a quarter, half, and full townships, fenced with suitable wire fences, containing 500, 1,000, or 2,000 fine graded cattle or horses, or four times as many improved sheep in each, the surface of which dotted over with ponds or lakes of water, made by securing the surface water by dams or reservoirs, or with wells and windmills, supplying the water needed for stock grazing in such inclosures, studded with stacks of wild hay, alfalfa, or sorghum in sufficient quantities to feed in severe storms and thus save life.

Prosperous villages filled with churches, schools, banks, stores, and prosperous and thriving tradesmen of all classes in every district, stock yards along the various railroads, at all the stations, and thrift and industry on every hand.

Farmers coming in and homesteading the land as fast as reclaimed by the system of irrigation to be established, by the money secured from the rentals paid by the stockmen all over this vast area, and the stockmen retiring as the agriculturist advances, and the whole Western country thereby placed on a more substantial and permanent basis, and its products doubled in quantity, quality, and value.

Ending all mavericking and stealing of stock, all disputes of ownership of rights pertaining to grazing between stockmen, that has so often resulted in long and continued quarrels and bloodshed. All this and much more is what is contemplated by the passage of the bill.

STATEMENT OF HON. JOHN C. BELL, OF COLORADO.

Mr. BELL. Mr. Chairman and gentlemen of the committee, I have gone over this before, but I want to say it is utterly astounding for the people of Colorado to be told that they have had so tremendously many murders there. It is a thing they have never heard of. Now, I am in the midst of the most crowded mixture of sheep and cattlemen in the entire State. I want to say that there are five, yes, ten men,

killed over disputes over irrigating ditches or over mining claims in Colorado where there is one over a range. I want to say there are three to five killed in Colorado over disputes over the lines of homesteads and preemption claims where there is one over cattle and sheep ranges; that such a killing is a rare thing.

Now, I began, as I have said before, in 1875, and was in the first mix up between cattle and sheep in the San Luis Valley in 1875. Contracts were made there and lines drawn and agreements entered into between the two cattle associations, and though that valley is larger than Massachusetts there has not been to my knowledge a serious dispute there since.

Mr. IRISH. If I as a citizen of the United States took a herd of cattle on that contracted public range in the San Luis Valley what treatment would I get?

Mr. BELL. If you bring in a herd of cattle or sheep there you will be treated just as anybody else is treated.

Mr. IRISH. How has anybody been treated? That is not an answer.

Mr. BELL. It is an answer. I say people come and go whenever they see fit. There have been a few disputes, but principally over the people of Wyoming trying to run their cattle or sheep over into Colorado to range in the summer.

Mr. IRISH. Did you not hang a Wyoming sheepman?

Mr. BELL. Oh, they may have hung or shot probably half a dozen men, or that many may have been killed in fifteen or twenty years.

Mr. IRISH. Had not that Wyoming sheepman whom you hung as much right to that public domain as the men who hung him?

Mr. BELL. Yes, sir. We hang them for other purposes, just the same as is done in other States.

Mr. IRISH. And you burn them, too, in Colorado.

Mr. BELL. It is not a question of sheep and cattle that makes lawlessness; there are disputes on all subjects. As I say, there are probably ten men killed over mining claims or irrigating ditches to where one man is killed in disputes over the range, and it is very strange I should be in such close connection with it in the most crowded part of the entire range of Colorado and not know, and I say there has not been a man hurt to my knowledge in ten or fifteen years in my part of the country.

Now they speak about some sheep being run over a cliff there. Six or eight years ago there were some rude cowboys who ran a few sheep over a cliff, but I do not know of a single man being killed recently. There are more men killed in little disputes in playing poker among the herders than in these supposed conflicts over ranges.

Mr. IRISH. Then put a section in this bill to stop poker playing.

Mr. BELL. I want to say as a cattleman there are three herds in Colorado now, yes five, to where there was one fifteen or twenty years ago. A cow in Colorado now is worth two cows almost in weight; that is, she will weigh pretty nearly twice as much as two cows would have weighed ten or twenty years ago. In our portion of the country practically every farmer has got a bunch of cows and belongs to a cattle association, and, as Mr. Shafroth will bear me out, in the State of Colorado they are opposed to this bill or any other such bill, both cattle and sheep men.

Mr. IRISH. May I ask you a question?

Mr. BELL. Yes, sir.

Mr. IRISH. What has Colonel Mosby been doing in the San Luis Valley lately?

Mr. BELL. I do not know anything about Colonel Mosby. I know he ranges from Virginia all the way to California—

Mr. IRISH. Did you not hear that Colonel Mosby was looking after the fencing on public lands? Have you public land fenced in down there?

Mr. BELL. There are fences from Nebraska—west fences, put up to keep the cattle from drifting in storms, and for other justifiable purposes.

Mr. IRISH. You have those in the San Luis Valley?

Mr. BELL. There are a few in the San Luis parks, but up in the hills, not of any consequence, however.

Mr. IRISH. And Mosby was cutting them.

Mr. BELL. They are all over the West.

Mr. IRISH. But I want to develop the conditions in the San Luis Valley.

Mr. BELL. They are in different places to keep the stock from drifting with the storms. They are built in other places to keep the cattle from getting on poisonous weeds, and built in other places to keep the cattle from coming down on the winter range in summer time, and a lot of agents have persuaded the Land Department to cut these fences. They are doing it all over the West, in every part of it, without any discretion whatever. Now, I say there is no division of sentiment in Colorado of any consequence. When I was here my friend was not here [Mr. Kleberg], and I see he is very persistent about leasing. It is all right in your State; you can put down a little windmill anywhere and get water for your cattle. In the State of Colorado the owner of one of those great herds can come in and take up a mile of river and he may control three or four million acres of land.

Mr. KLEBERG. You say you have not any trouble there?

Mr. BELL. We have the ordinary troubles, no extraordinary troubles.

Mr. KLEBERG. Does not this proceed from the fact that these men have actually appropriated the public domain and use it for free grazing?

Mr. BELL. No, sir; there is nothing of the kind. The last trouble we had in western Colorado and the only trouble of any consequence, except one little disturbance this spring where not a man was hurt or killed, was when three or four thousand sheep men attempted to be moved on one of the forest reserves. The people on the boundary line came here objecting to the people of Utah turning their sheep over in those places and running them back, and they got the Government of the United States to stop it. The people did not take it in hand at all.

Mr. IRISH. Is it not a part of your business in Washington to save these fences?

Mr. BELL. Yes; if I saw it necessary I would. Now, what is your business here and what has been your business for the last ten years? I do not get any pay for going around advocating this question except my salary.

Mr. IRISH. Do you pretend to say I get paid?

Mr. BELL. I do not know why you are here, but I am here as a member of Congress myself, delegated—

Mr. IRISH. I am not obliged to account to you or any one else for my means of livelihood. I have been in Washington all winter——

Mr. BELL. I think it is a rather presumptuous thing for you——

Mr. IRISH. Well——

Mr. BELL. Mr. Chairman, will you please quiet him until I get through.

Mr. IRISH. Certainly.

Mr. BELL. I sat very quiet when you were talking.

Mr. IRISH. I beg your pardon.

Mr. BELL. I have been disturbed so much I have not been able to say anything. It seems to me after a man has been so often heard by this committee and has had the exclusive right of way so long that some of us who are interested in the business might be heard.

Mr. IRISH. I submitted to all the questions, but I beg your pardon; I should not have interrupted you.

Mr. BELL. Now, I do not care what they do in other States, but I say for Colorado, we do not want this or any other bill. When I do not represent my own people they will keep me at home; do not be uneasy about my being down here or my pay. When I do not represent their interests they will find a place for me, and I want to say I represent ninety-nine hundredths of them, in my judgment. The cattlemen and sheepmen, all kinds, and practically every local stock association in the State have insisted that they have very little trouble, but they manage them very well, and that is very superior to anything that they can expect from any act of this body, and they do not want a change.

Now, I do not believe for the ordinary farmer and the ordinary grazer that you can get a more ideal condition of the public domain than it is to-day, and if you will let the farmers alone they will work out this among themselves. The cattle business to-day is going into the hands of the farmer very rapidly. The big herds are all destroyed. You pass this leasing bill and you reorganize the big herds and you destroy the little herds again. That is what we do not want. That is what the people of Colorado do not want. I do not wish to speak for any other State. Here is my friend here who claims to speak for New Mexico.

Mr. IRISH. I just want to say one word. We find here the same condition we find everywhere wherever they have the public domain under fence, wherever they have a fence protecting that territory—they simply want to be left alone. I do not blame them. Now, that is the condition of the San Luis Valley; it is the condition of southeastern Colorado; it is partly the condition in New Mexico; in Nebraska—wherever they can defy the law and put up a fence without paying any rent to the United States, there they want to be let alone, and you will find that all over Colorado, where there are hundreds and hundreds of miles of fence unlawfully built on the public domain, it is true. Mr. Bell does represent the sentiment of the people who have absorbed to their use public domain under unlawful fences without paying for it, but it is against the law of the United States.

Mr. BELL. I want to say there is not one man in ten thousand in Colorado who is interested in fences. There are but few fences there.

Mr. IRISH. I think Mosby reported in the case of Colorado, and I *would be very much pleased*——

Mr. BELL. Sometimes a man runs a fence across a little canyon and

there will be a few hundred acres, but I do not believe there is any fencing in the San Luis Valley of any consequence.

Mr. MONDELL. I want to call the attention of the committee to a telegram which has just been received by the Senate committee from Mr. Bartlett Richards, of Nebraska, who is interested in the leasing bill, asking for a meeting of this committee some time which would be convenient to the members of the committee, as they wish to be heard on the leasing bill. It says that the delegation will be here to-morrow, consisting of Mr. Bartlett Richards and some others, and they will have a hearing before the Senate subcommittee on public lands on Friday. I imagine they could be here Saturday, and it occurred to me the committee might think it advisable to hear them on Saturday.

Mr. NEEDHAM. I move that we give them a hearing on Saturday, at which time Mr. Rodey may also be heard.

The motion was adopted.

Mr. MOODY. I would also ask that Mr. Gilcrest, a representative of large cattlemen's association of Oregon, be heard at the same time.

The motion was adopted.

Thereupon the committee went into executive session.

COMMITTEE ON PUBLIC LANDS,
Saturday, April 26, 1902.

The Committee on Public Lands this day met, Hon. Frank W. Mondell in the chair.

GRAZING LEASES.

Mr. MONDELL. While we have not a quorum as yet, as there are a number of gentlemen here who want to be heard on the leasing bill, I think it might be just as well to go on with the hearing and not wait for a quorum. Mr. Richards, do you wish to address the committee?

STATEMENT OF MR. BARTLETT RICHARDS, OF NEBRASKA.

Mr. RICHARDS. Gentlemen of the committee: We represent the State of Nebraska. Every gentleman here is a stock raiser and, like myself, are stock raisers only, having no other profession. We have all of us been in the stock business a long time.

I came to Wyoming when I was 17 years old and I was 40 years old on the 6th of January, all of which time has been spent in the raising of cattle in the arid lands. The matter of range and range rights and our holdings on the range are actually our bread and butter, and our bread and butter, as in all instances, is very close to our hearts when upon that depends the support of our wives and children as well as ourselves and our own happiness. Therefore, if we take your time in this matter you must bear with us if we do not present our cause nicely, because there is no one here who is a speaker or an orator, and we can simply give you the facts as they occur to us. In the western part of Nebraska, west of the one hundredth meridian, you will find an arid country.

People from the East, settlers, came out there and took up land in many places some years ago, borrowed from \$250 to \$1,000 on them,

thinking, after the summer of 1886, it was going to be an agricultural country in many of the districts where the land is hard, or what we term the "short-grass country," as in distinction from the "sand-hills country." These have all reverted to Eastern loan companies. Nine-tenths of them to-day are vacant, except as someone, who is the survival of the fittest or too poor to get away or did not have his wife's relations in Iowa to go to, has remained there and with his little bunch of cattle ranges his stock over these vacant sections. The western part of Nebraska consists principally, however, of sand hills, which, if the grass is removed, will blow away, and to-day is covered with what we term "blow-outs" in that country, and interspersed with these are little oases, on which we cut a luxuriant lot of hay, which are semi-irrigated by nature. There seems to be a trend of water from the west to the east.

Every one of these valleys to-day has been taken up under the homestead or preemption laws and is to-day occupied—closely occupied—by ranchmen who have built up their industry there, whose homes are there, and who support schools and county officers and State officers and pay their taxes, and who, just as much as the irrigationists, have redeemed large sections of that country. My own range is in what is known as the "dry country;" the southern half of it has no running water on it whatever, but fortunately nature has provided water under the soil from 20 to 115 feet, and we build reservoirs out of the earth, put two windmills up and pump into the reservoir, then draw the water into tanks and water our herds. So, on my "dry country" range to-day, where there is no running water whatever, no surface water to amount to anything, I have a watering place so no animal of mine goes more than a mile and a half for water.

That is an expense; just as great an expense as it would be if I irrigated the same area. I have to buy scrip at about \$5 an acre for the 40 acres upon which my windmill rests and my reservoir, which at about \$5 an acre would be \$200. This, together with my storage reservoir and my windmills and my tank, represents to me an outlay of about \$500. We have in the State of Nebraska west of the one hundredth meridian only one-half an acre of free grass land to an acre that is occupied. I say occupied instead of freehold because the State, of course, has her sections 16 in 36 in each township. Cherry County has two or three acres or more and some of the western counties have still larger quantities than that, but a half acre is the average. That would look as though we had a dense population, but we have not and I told you at first why that was—because so much of this land is owned by Eastern land companies.

I give you a description of my section of the country so you may understand our position in this matter. Going west, even in Wyoming, north into South Dakota, south into Colorado, we find similar conditions exist. I went to Wyoming when I first went West, and we found there that we could run our cattle over the range and only had to push the buffalo back to have all the room necessary for our herds. To-day, however, the range is taken or occupied with cattle and sheep, and the country in general is full of feuds. There are so many range disturbances all over this country that a committee was appointed by the American Cattle Growers' Association consisting of five—one member drafted from the State of Texas, which owns her *own land and who could be thoroughly ex parte*; another from Cali-

fornia, another from Utah, another from California, and another from Nebraska.

This committee pondered this question thoroughly and finally decided upon practically the resolution that is before the House to-day, which was afterwards altered in a small degree to Senate bill 3311 and which to-day forms nearer the bill the country in general desires than anything else. I have devoted my time since last September to this matter almost to the exclusion of my own affairs. This matter has been talked over before every cattle association in the Western country. I have here before me resolutions passed by every association from the State of Texas to the State of Montana. The Texas Cattle Association passed a resolution on March 11, of which this is a certified copy:

RESOLUTIONS PASSED BY THE CATTLE RAISERS' ASSOCIATION OF TEXAS MARCH 12, 1902.

"Whereas a bill is now pending in the United States Congress and introduced in the Senate by Mr. Millard, and known as Senate bill No. 3311, and entitled 'A bill to provide for the leasing for grazing purposes of vacant public domain and reserving all rights of the homesteader and mineral entry.' All rentals to be a special fund for irrigation; and

"Whereas such bill provides for just and reasonable compensation to the Government for the rentals of such land and also protecting all rights of the homesteader and prospector; and

"Whereas the funds derived from the rentals of such lands is to be used for the purpose of creating a fund to be devoted to the purpose of development of irrigation, where such irrigation is necessary; and

"Whereas the Texas Cattle Raisers' Association is interested in the development of stock-growing interests of the entire country: Therefore be it

Resolved, That we indorse the provisions of such a bill and ask the cooperation of our Representatives in Congress for their aid and support in the passage, and that a copy of these resolutions be forwarded to such Representatives."

Adopted without discussion.

I certify that the above is a correct copy of a resolution passed by the Cattle Raisers' Association of Texas, in annual convention assembled, March 11 and 12, 1902, at Fort Worth, Tex.

J. C. LOVING, *Secretary*.

The Texas Cattle Raisers' Association numbers within its membership 1,400 members. You can go to the opposite line against Canada, and the following resolution was passed by the Montana Stock Growers' Association, an association which is supported under the laws of the State just like the Wyoming Stock Growers' Association, and the proceeds of all animals, the owners of which are not found, are turned in to the State and distributed for the benefit of the live-stock industry of the country. So it is a State institution and represents the stockmen all over its grazing area.

I herewith present their attested resolution as follows:

At the regular annual meeting of the Montana Stock Growers' Association held in Miles City, Mont., April 15, 1902, the following resolution was adopted:

Resolved, That we, the Montana Stock Growers' Association, are in favor of a just and equitable lease law that will protect the small stock owners as the larger ones."

JOS. T. BROWN, *President*.

W. G. PREUITT, *Secretary*.

That was passed with only four dissenting votes of all the members who were present.

Mr. JONES. How many were present?

Mr. RICHARDS. I do not know; I was not there. I have simply the report of the secretary; but it was one of the largest meetings that they have had of recent years.

Mr. BRUNDIDGE. That resolution does not indorse this bill that is pending?

Mr. RICHARDS. It indorses a leasing bill. We would like to have you all understand that if you find anything at which to carp or quarrel with in this bill, or which you might change for the better, we ask your assistance, and we ask any suggestion on your part to the end that such defects may be covered.

You can then go south and take up the Western South Dakota Stock Growers' Association, of which I am a member:

RESOLUTION PASSED BY THE WESTERN SOUTH DAKOTA STOCK GROWERS' ASSOCIATION
APRIL 8, 1902.

We, the Western South Dakota Stock Growers' Association, in convention assembled indorse Senate bill No. 3311, for the leasing of the public arid domain for grazing purposes, and beg our Senators and Congressmen, irrespective of party, who have the welfare of the West and the public economy of the nation at heart, to support and aid this measure, originated for our benefit and relief.

[SEAL.]

C. K. HOWARD, *President*.
F. M. STEWART, *Secretary*.

TO THEODORE ROOSEVELT,
President of the United States:

Whereas many stockmen and agriculturalists of the arid West have inclosed by fence with their deeded lands portions of the public domain adjacent to their freeholds, many of such incidents antedating the act of 1885; and

Whereas the following reasons are among those accountable therefor:

That the settlers' live stock may be kept at hand where they may be guarded from theft and wolves and be cared for in a herdsmanlike manner.

That they may be fed in winter at the limited haystacks of the ranchman, and not roam without limit over vast prairies where they perish or may be lost in the great aggregation of drifting herds.

That they may not, if infected with mange or other ailments, impart and spread it throughout the country.

That inclosed and separate they may be at rest, thrive, and fatten, where wandering they are constantly rounded-up and inspected by those seeking their own brands.

That water may be afforded them near at hand, artificially as well as by streams, which can not be done if thousands may come to one windmill with its small tanks—sufficient for few—only disappointment to thirsty thousands.

That the small ranchman especially, as well as the stock grower of larger means, may by a moderate investment in fencing, not only save the lives of and benefit his cattle, but save an expense impossible to the poor, and extravagant for the well-to-do.

That the tramping of thousands of hoofs may not break down and wear out the grasses, unlike the East, dry and cured upon the prairies after June, and therefore steal by the constant tread that which the stomach should have. Without fences colossal waste—yes, destruction—of nature's primitive supply is the only trace of what should be man's progress.

That for humanity's sake man may treat his dumb creatures with reasonable humanity.

That he who is burdened with debt may be able to borrow upon his inclosed herd, but roaming, is answered by the money lender that to loan on fishes in the sea would be as secure as upon herds drifting at will over boundless prairies.

That the law of 1885 has never been generally enforced, though cognizance was had by those in authority that fences were maintained upon public domain, and therefore, for the benefit of many and the detriment of few, such fences abound throughout the arid sections.

The immediate removal of such fences by sweeping action of the Government will cause the calling of loans, and hence financial panic, thereby not only ruining countless home makers of the arid West, but in the time of its prosperity will wipe out large portions of a great industry, the sole means of support of thousands of honest and otherwise law-abiding citizens.

The leasing of the arid public domain under proper safeguards for the use of those who now occupy it will relieve the situation, thus protecting the forage and restoring

the range's departing vigor, inviting settlement and enterprise, serving the material interests of all the inhabitants of the arid region and the economic interests of the whole nation, and substituting law for lawlessness.

That this may be accomplished without unnecessarily distressing our people of their industry; and,

Whereas it is now imminent that the Government intends the removal of all fences from the public domain: Now, therefore, be it

Resolved, That we, the members of the American Cattle Growers' Association, in convention now assembled, do most respectfully petition Theodore Roosevelt, the President of the United States, to immediately stay further proceedings in the Interior Department that are now or may be directed toward the removal of fences from the public domain until time is had to pass appropriate legislation pertaining to the leasing of the public lands.

We urgently ask each of the United States Senators and Congressmen from the arid States, without respect to party, to unite in the presentation of this petition to the President, and use their best efforts in our behalf in this emergency.

Unanimously passed at the annual convention of the South Dakota Stock Growers' Association, April 8, 1902.

C. K. HOWARD, *President*.

F. M. STEWART, *Secretary*.

I was present at that meeting. They have 675 members, and there were about 100 members present at the time that this resolution was passed—just as large a meeting as we have ever had.

Mr. MONDELL. Does that association represent the live-stock growers of all classes, or only the cattle growers?

Mr. RICHARDS. All classes. Anyone can join who wishes to do so.

Mr. MARTIN. While on that subject, how many members of that association would you judge were present at this particular meeting—this annual meeting?

Mr. RICHARDS. I should judge there might have been 100 or 125.

Mr. MARTIN. How many voted in favor of this resolution at that particular meeting?

Mr. RICHARDS. Two-thirds of all present.

Mr. MARTIN. And how many were present?

Mr. RICHARDS. I should think about 100.

Mr. MARTIN. Then some sixty-odd voted in favor of it?

Mr. RICHARDS. I think so.

Mr. MARTIN. I may say in all fairness upon this subject, I have received a good many letters from gentlemen of that association who have said in substance that the vote was a very close one and a very small one, and in their opinion did not represent the sentiment of a majority of the members of the association. I state it now because these letters will perhaps be put in.

Mr. RICHARDS. It is very well to put them in.

Mr. JONES. Has your association endeavored to secure resolutions as to the leasing system from bodies other than those distinctly in the cattle or sheep business; that is, have you obtained any resolutions from farmers and homesteaders, people of that class, in favor of it?

Mr. RICHARDS. We have a resolution signed here by every class of citizens west of the one hundredth meridian in Nebraska.

Mr. JONES. Have you any resolutions from farmers, farmers' meetings, or organizations of that kind?

Mr. RICHARDS. I have in my hand 2,000 names signed to a petition of people west of the one hundredth meridian in Nebraska, representing claim holders, stock raisers, sheepmen, cattlemen, horsemen, and every other kind of men we have there.

Mr. JONES. Of course 2,000 is not—.

Mr. RICHARDS. That is 2,000 west of the one hundredth meridian in the State of Nebraska.

Mr. JONES. That of course would be a very small proportion?

Mr. RICHARDS. We have only in the Sixth Congressional district west of the one hundredth meridian about 18,000 voters.

TO THEODORE ROOSEVELT, *President of the United States*:

Whereas many stockmen and agriculturalists of the arid West have inclosed by fence with their deeded lands portions of the public domain adjacent to their freeholds, many of such incidents antedating the act of 1885; and

Whereas the following reasons are among those accountable therefor:

That the settlers' live stock may be kept at hand where they may be guarded from theft and wolves and be cared for in a herdsmanlike manner.

That they may be fed in winter at the limited hay stacks of the ranchman, and not roam without limit over vast prairies where they perish or may be lost in the great aggregation of drifting herds.

That they may not, if infected with mange or other ailments, impart and spread it throughout the country.

That inclosed and separate they may be at rest, thrive, and fatten, where wandering they are constantly rounded up and inspected by those seeking their own brands.

That water may be afforded them near at hand, artificially as well as by streams, which can not be done if thousands may come to one windmill with its small tanks--sufficient for few--only disappointment to thirsty thousands.

That the small ranchman especially, as well as the stock grower of larger means, may by a moderate investment in fencing not only save the lives of and benefit his cattle, but save an expense impossible to the poor, and extravagant for the well-to-do.

That the tramping of thousands of hoofs may not break down and wear out the grasses, unlike the East, dry and cured upon the prairies after June, and therefore steal by the constant tread that which the stomach should have. Without fences, colossal waste--yes, destruction--of nature's primitive supply is the only trace of what should be man's progress.

That for humanity's sake man may treat his dumb creatures with reasonable humanity.

That he who is burdened with debt may be able to borrow upon his inclosed herd--but roaming is answered by the money lender that to loan on fishes in the sea would be as secure as upon herds drifting at will over boundless prairies.

That the law of 1885 has never been generally enforced, though cognizance was had by those in authority that fences were maintained upon public domain, and therefore, for the benefit of many and the detriment of few, such fences abound throughout the arid sections.

The immediate removal of such fences by sweeping action of the Government will cause the calling of loans, and hence financial panic, thereby not only ruining countless home makers of the arid West, but in the time of its prosperity will wipe out large portions of a great industry, the sole means of support of thousands of honest and otherwise law-abiding citizens.

The leasing of the arid public domain under proper safeguards, for the use of those who now occupy it, will relieve the situation, thus protecting the forage and restoring the range's departing vigor, inviting settlement and enterprise, serving the material interests of all the inhabitants of the arid region and the economic interests of the whole nation, and substituting law for lawlessness.

That this may be accomplished without unnecessarily distressing our people of their industry; and

Whereas it is now imminent that the Government intends the removal of all fences from the public domain: Now, therefore, be it

Resolved, That we, the members of the American Cattle Growers' Association, in convention now assembled, do most respectfully petition Theodore Roosevelt, the President of the United States, to immediately stay further proceedings in the Interior Department that are now or may be directed toward the removal of fences from the public domain, until time is had to pass appropriate legislation pertaining to the leasing of the public lands.

We urgently ask each of the United States Senators and Congressmen from the arid States, without respect to party, to unite in the presentation of this petition to the President, and use their best efforts in our behalf in this emergency.

Unanimously passed at the annual convention of the Wyoming Stock Growers' Association, April 7, 1902.

W. C. IRVINE, *President*.
ALICE SMITH, *Secretary*.

You can come South and West, and the following resolution was passed by the Wyoming Stock Growers' Association.

A similar measure has been adopted by almost every association. Each includes this clause, saying—

The leasing of the arid public domain under proper safeguards, for the use of those who now occupy it, will relieve the situation, thus protecting the forage and restoring the range's departing vigor, inviting settlement and enterprise, serving the material interests of all the inhabitants of the arid region and the economic interests of the whole nation, and substituting law for lawlessness.

That is part of the resolution as it was passed by the American Cattle Growers' Association. The American Cattle Growers' Association also passed two amendments which they hope may be added to the Senate bill: one giving the homesteader who had filed in good faith before January 1, 1902, the same rights as a freeholder under this bill; another, shutting out railroads and all land-grant roads from any participation in its benefits.

Some of these were printed, containing also on the second page a plea to the President asking him to let the fence question remain as it is until such a time as we have a chance to pass some lease law which should be equitable and right for everyone, the poor as well as the rich—

Mr. JONES. Do you think the President has the right to do that under the law?

Mr. RICHARDS. That is a matter of considerable moment.

Mr. ESCH. Why can not we embody that right in the hearing?

Mr. RICHARDS. Yes, sir.

RESOLUTION PASSED BY THE AMERICAN CATTLE GROWERS' ASSOCIATION MARCH 6, 1902.

We, the American Cattle Growers' Association, in convention assembled, indorse without reserve Senate bill No. 3311, for the leasing of the public arid domain for grazing purposes, and beg our Senators and Congressmen, irrespective of party, who have the welfare of the West and the public economy of the nation at heart, to support and aid this measure, originated for our benefit and relief, with the following amendments:

Proposed amendments: Page 2, line 6, "Homesteads, on surveyed or unsurveyed public domain, taken up in good faith prior to January 1, 1902, shall be beneficiaries as freeholds hereunder." Page 3, line 1, "Land-grant roads and railroad corporations shall derive no rights as freeholders, or otherwise, under the terms of this act, but purchasers of land from such corporations otherwise qualified by the terms of this act shall be beneficiaries hereunder."

The above resolution was unanimously passed at the annual convention of the American Cattle Growers' Association, March 6, 1902.

F. C. LUSK, *President*.

H. W. ROBINSON, *Secretary*.

TO THEODORE ROOSEVELT,
President of the United States:

Whereas many stockmen and agriculturalists of the arid West have inclosed by fence their deeded lands portions of the public domain adjacent to their freeholds, many of such incidents antedating the act of 1885; and

Whereas the following reasons are among those accountable therefor:

That the settlers' live stock may be kept at hand, where they may be guarded from theft and wolves and be cared for in a herdsmanlike manner.

That they may be fed in winter at the limited hay stacks of the ranchman, and not roam without limit over vast prairies, where they perish or may be lost in the great aggregation of drifting herds.

That they may not, if infected with mange or other ailments, impart and spread it throughout the country.

That inclosed and separate they may be at rest, thrive and fatten; where wandering they are constantly rounded up and inspected by those seeking their own brands.

That water may be afforded them near at hand, artificially as well as by streams, which can not be done if thousands may come to one windmill with its small tanks—sufficient for few—only disappointment to thirsty thousands.

That the small ranchman especially, as well as the stock grower of larger means, may by a moderate investment in fencing, not only save the lives of and benefit his cattle, but save an expense impossible to the poor and extravagant for the well-to-do.

That the tramping of thousands of hoofs may not break down and wear out the grasses, unlike the East, dry and cured upon the prairies after June, and therefore steal by the constant tread that which the stomach should have. Without fences, colossal waste—yes, destruction—of nature's primitive supply is the only trace of what should be man's progress.

That for humanity's sake man may treat his dumb creatures with reasonable humanity.

That he who is burdened with debt may be able to borrow upon his inclosed herd; but roaming, is answered by the money lender that to loan on fishes in the sea would be as secure as upon herds drifting at will over boundless prairies.

That the law of 1885 has never been generally enforced, though cognizance was had by those in authority that fences were maintained upon public domain; and therefore, for the benefit of many and the detriment of few, such fences abound throughout the arid sections.

The immediate removal of such fences by sweeping action of the Government will cause the calling of loans, and hence financial panic, thereby not only ruining countless home makers of the arid West, but in the time of its prosperity will wipe out large portions of a great industry, the sole means of support of thousands of honest and otherwise law-abiding citizens.

The leasing of the arid public domain, under proper safeguards, for the use of those who now occupy it, will relieve the situation, thus protecting the forage and restoring the range's departing vigor, inviting settlement and enterprise, serving the material interests of all the inhabitants of the arid region and the economic interests of the whole nation, and substituting law for lawlessness.

That this may be accomplished without unnecessarily distressing our people of their industry; and

Whereas it is now imminent that the Government intends the removal of all fences from the public domain: Now, therefore, be it

Resolved, That we, the members of the American Cattle Growers' Association, in convention now assembled, do most respectfully petition Theodore Roosevelt, the President of the United States, to immediately stay further proceedings in the Interior Department that are now, or may be, directed toward the removal of fences from the public domain, until time is had to pass appropriate legislation pertaining to the leasing of the public lands.

We urgently ask each of the United States Senators and Congressmen from the arid States, without respect to party, to unite in the presentation of this petition to the President, and use their best efforts in our behalf in this emergency.

Unanimously passed at the annual convention of the American Cattle Growers' Association, March 6, 1902.

F. C. LUSK, *President*.

H. W. ROBINSON, *Secretary*.

LIST OF MEMBERS OF THE AMERICAN CATTLE GROWERS' ASSOCIATION.

Adams, Jos. P., Denver, Colo.
Adams, Frank, Denver, Colo.
Adams, Wm. H., Alamosa, Colo.
Adair, W. W., Steamboat Springs, Colo.
Adams, Geo. H., Denver, Colo.
Anderson, A. A., Four Bear, Wyo.
Addison, G. W., Eureka, Kans.
Abbott, H. E., Salinas, Cal.
Armour, Kirk B., Kansas City, Mo.
Arnold, H. M., Torrington, Wyo.
Altube, Pedro, Tuscarora, Nev.
Auchard, David, Fulton, Mont.
Ayres, Al, Douglas, Wyo.

Ballantine, Geo. W., Denver, Colo.
Bainard, Jas., Hotchkiss, Colo.
Banta, J. E., Rifle, Colo.
Bradley, J. D., Merced, Cal.
Barnes, W. C., Dorsey, N. Mex.
Bradley, L. L., Elko, Nev.
Baer, Adolph, Meeker, Colo.
Baumgarten, L. L., Salt Lake, Utah.
Baker, L. M., Baker, Cal.
Bayley, Geo. H., Reno, Nev.
Branskamp, C. E., Byers, Colo.
Brashear, T. A., Monte Vista, Colo.
Brady, R. G., Tucson, Ariz.

- Bardin, Henry, Salinas, Cal.
 Baker, George W., Folsom, N. Mex.
 Becker, Abe, Denver, Colo.
 Bender, E. F., Tacoma, Wash.
 Blevins, Monte, Walden, Colo.
 Bjerregaard, Andrew, Ephraim, Utah.
 Bell, E. J., Laramie, Wyo.
 Blewitt, C., Pool, Colo.
 Becker, Edmund, Troublesome, Colo.
 Benton, Frank, Cheyenne, Wyo.
 Bretherton, S. E., Meeker, Colo.
 Brewster, P. O., Cheyenne, Wyo.
 Bell, Thos., Lusk, Wyo.
 Benson, R. S., Florence, N. Mex.
 Bishop, Thos. B., San Francisco, Cal.
 Bird, Isaac, Merced, Cal.
 Bogue, Jos., Debeque, Colo.
 Botwell, A. J., Denver, Colo.
 Bower, J. E., Rock Creek, Idaho.
 Bounds, P. A., North Yakima, Wash.
 Bowie, Alex., Chungwater, Wyo.
 Brown, Chas. Gilpin, Livermore, Colo.
 Bowles, Chas. W., Littleton, Colo.
 Brown, Wm., Big Springs, Nebr.
 Botsford, A. C., Cedar Edge, Colo.
 Boot, Wm., Montrose, Colo.
 Bohart, Field, Limon, Colo.
 Boeserman, E., Denver, Colo.
 Boal, H. S., Birney, Mont.
 Bourne, R. H., Luella, Nebr.
 Borst, Wm., Pierre, S. Dak.
 Burke, F. W., American Falls, Idaho.
 Burke, Jno. L., American Falls, Idaho.
 Burnett, Geo. J., Littleton, Colo.
 Butters, Henry A., San Francisco, Cal.
 Bulette, Dr. W. W., Pueblo, Colo.
 Burch, F. I., Clayton, N. Mex.
 Bryant, W. H., Denver, Colo.
 Blythe, T. S., Ephrata, Wash.
 Burke, Edward L., Genoa, Nebr.
 Carpenter, A. M., Eckert, Colo.
 Crawford, A. M., Fort Morgan, Colo.
 Chapman, H. A., Ferris, Wyo.
 Carey, J. M., Cheyenne, Wyo.
 Chambers, R. C., Salt Lake, Utah.
 Clark Bros., Saguache, Colo.
 Clark & Cox, Sacramento, Cal.
 Campbell, Frank, American Falls, Idaho.
 Castle, I. N., Milpitas, Cal.
 Clark, Rollin A., Casper, Wyo.
 Carson, J. C., Deadwood, S. Dak.
 Comstock, W. G., Ellsworth, Nebr.
 Carr, Jesse A., Salinas, Cal.
 Carr, E. L., Eckert, Colo.
 Carpenter, J. J., Cebolla, Colo.
 Carson, Thos., Bovina, Tex.
 Carpenter, X. L., Sapinero, Colo.
 Cannon, Geo. Q., Salt Lake, Utah.
 Clayton, Col. N. W., Salt Lake, Utah.
 Creighton, E. P., Maher, Colo.
 Cleveland, A. C., Cleveland, Nev.
 Creswell Cattle Co., Pueblo, Colo.
 Creigh, Chas. L., Merino, Wyo.
 Critchlow, A. B., Piscesance, Colo.
 Chittick, Hugh, Fremont, Nebr.
 Crocker, Geo., Promontory, Utah.
 Cone, D. S., Red Bluff, Cal.
 Connable, R. H., Gregory, Mo.
 Crocker, F. W., Denver, Colo.
 Cooper, C. T., Hillrose, Colo.
 Cook, Jas. H., Agate, Nebr.
 Coad, Mark M., Fremont, Nebr.
 Coggins Bros., Igerna, Cal.
 Condict Bros., Bennett, Wyo.
 Cureton, J. C., Silver City, N. Mex.
 Church, Jno. F., Broomfield, Colo.
 Chuch, Jno. B., Denver, Colo.
 Currie, F., Whitney, Nebr.
 Daley, John, Folsom, S. Dak.
 David, E. F., Wheatland, Wyo.
 Davis, L. G., Saratoga, Wyo.
 Daugherty, J. M., Abilene, Tex.
 Densmore, Daniel, Rifle, Colo.
 De Ricques, A. E., Denver, Colo.
 Denio, J. W., Longmont, Colo.
 Drew, A. W., Spearfish, S. Dak.
 Deuel, Z. G., Kirtley, Wyo.
 Dillard, J. D., Delta, Colo.
 Driskill, J. W., Spearfish, S. Dak.
 Diest, E. C. von, San Luis, Colo.
 Downing, Jas., Aspen, Colo.
 Dowling, N., Littleton, Colo.
 Dowd, Thos., Gordon, Nebr.
 Doty, Silas, Lakeview, Wyo.
 Duncan, H. C., Osborn, Mo.
 Dunn, W. C., Cherrelyn, Colo.
 Duke, G. H., Hotchkiss, Colo.
 Ducey, J. J., Clark, Colo.
 Douquette, Henry, Steamboat Springs, Colo.
 Durkee, A. R., Delta, Colo.
 Duhamel, Peter, Rapid City, S. Dak.
 Evans, F. H., Garden City, Kans.
 Evans, R. T., Winnemucca, Nev.
 Edge, Jno. A., Burns, Colo.
 Edgehill, J. R., Nephi, Utah.
 Eskridge, L. D., La Jara, Colo.
 Ennor, H. B., Whitewater, Colo.
 Fratt, David, Billings, Mont.
 Farr, C. J., Flagler, Colo.
 Flatijo, Louis, Volta, Cal.
 Franc, Otto, Meeteetse, Wyo.
 French, Wm., Silver City, N. Mex.
 French-Glenn Live Stock Co., Burns, Oreg.
 Fletcher Bros., Minneapolis, Minn.
 Ferdon, Wm., Brownlee, Nebr.
 Ferguson, F. E., Wheatland, Wyo.
 Field, L. H., Hugo, Colo.
 Foster, A. B., Emma, Colo.
 Follett, Fred S., Steamboat Springs, Colo.
 Frost, F. A., Frost, Colo.
 Flynn, Jno. M., Casper, Wyo.
 Flynn, Martin, Des Moines, Iowa.
 Frye-Bruhn Co., Seattle, Wash.
 Glaser, M., Elko, Nev.
 Grayson, G. W., San Francisco, Cal.
 Ganse, Chas., Socorro, N. Mex.
 Gray, Henry T., Lusk, Wyo.
 Graham, Jas. M., Rongis, Wyo.
 Gratton, John, Barr, Colo.
 Gerber, W. E., Sacramento, Cal.
 Gerdts, W. H., Cope, Colo.
 Glenn, Chas. H., Jacinto, Cal.

- Gilcrest, Jno., Burns, Oreg.
 Gilmore, S. J., Denver, Colo.
 Gillespie, W. A., Gunnison, Colo.
 Gibson, E. M., Wheatland, Wyo.
 Gowdy, F. C., Denver, Colo.
 Gosling, John, Kansas City, Mo.
 Glover, Thos., Parachute, Colo.
 Godchaux, Lazard, San Francisco, Cal.
 Grubb, E. H., Carbondale, Colo.
 Grubb, W. Lloyd, Carbondale, Colo.
 Hays, Wm. R., Denver, Colo.
 Haley, Ora, Laramie, Wyo.
 Harder, H. H., St. George, Utah.
 Hanauer, A., Salt Lake, Utah.
 Hanley, Wm., Burns, Oreg.
 Hardin, J. A., Willow Creek, Nev.
 Hall, E. F., Spearfish, S. Dak.
 Hales, C. H., Elko, Nev.
 Harrell, A. J., Visalia, Cal.
 Harp, H. S., Meeker, Colo.
 Hald, Geo., Rifle, Colo.
 Hammond, C. M., Delta, Colo.
 Harris, W. C., Sterling, Colo.
 Hall, E. E., Hotchkiss, Colo.
 Hay, H. G., Cheyenne, Wyo.
 Hartman, S. B., Maher, Colo.
 Hartsel, Samuel, Hartsel, Colo.
 Hall, D. C., Fountain, Colo.
 Hardin, Chas., Laramie, Wyo.
 Hansen, D. M., Spicer, Colo.
 Hall, E. L., Pueblo, Colo.
 Hauf, Chris, Glendoe, Wyo.
 Hardin, S. H., Ranchester, Wyo.
 Ham, W., & Sons, Bijou Hills, S. Dak.
 Harsh, Sam'l, Denver, Colo.
 Hampton, R. M., Alliance, Nebr.
 Hendrickson, Jno., Nephi, Utah.
 Henneberry & Fisher, Akron, Colo.
 Heath, A. B., Omaha, Nebr.
 Heryford Bros., Lakeview, Oreg.
 Henke, Raymond, Sibylee, Wyo.
 Hesse, F. G. S., Buffalo, Wyo.
 Hedderick, G. M., Williston, N. Dak.
 Huidekoper, E. C., Gladstone, N. Dak.
 Huidekoper, A. C., Meadville, Pa.
 Huidekoper, Wallis, Sand Creek, N. Dak.
 Howry, J. H., Denver, Colo.
 Howes, E. F., Pueblo, Colo.
 Holcomb, Eugene, Rapid City, S. Dak.
 Holcomb, Fred, Rapid City, S. Dak.
 Horn, W. G., Medicine Bow, Wyo.
 Hoffmeyer, Emil, Stanton, Nebr.
 Hopkins, C. T., Pueblo, Colo.
 Holt, Jno. M., Miles City, Mont.
 Howe, C. O., Navajo, Ariz.
 Howe, Geo. F., Byers, Colo.
 Howlett, Thos., Longmont, Colo.
 Horn, P. C. McCoy, Colo.
 Howard, Robt., Loss Springs, Wyo.
 Hopewell, W. S., Hillsboro, N. Mex.
 Hord, T. B., Central City, Nebr.
 Horne Bros., Medicine Bow, Wyo.
 Howard, C. K., Smithville, S. Dak.
 Hunton, Jno., Ft. Laramie, Wyo.
 Hunter, Thos., Elko, Nev.
 Hutchcraft, R. W., Galatea, Colo.
 Humphrey, I. M., Rapid City, S. Dak.
 Hughes & Sherrard, Whitewater, Colo.
 Hyde, F. A., San Francisco, Cal.
 Hylton, J. J., Skelton, Nev.
 Irish, Jno. P., San Francisco, Cal.
 Irvine, W. C., Ross, Wyo.
 Ingram, D. B., Omaha, Nebr.
 Jack, Wm. H., Silver City, N. Mex.
 James, Francis, Denver, 612 California Building.
 Jackson, James, Trezona, Wyo.
 Jennings, H. P., Centerville, Utah.
 Jones, M. W., Denver, Colo.
 Jordan, J. L., Iron Mountain, Wyo.
 Jones, J. C., Petersburg, Colo.
 Kellogg, J. H., Denver, Colo.
 Keener, F. A., Denver, Colo.
 Kelliher, M., Rapid City, S. Dak.
 Kelso, R. S., Delta, Colo.
 Kern County Land Co., Bakersfield, Cal.
 Keogh, Thos., Ogden, Utah.
 Kemm, C. M., Montrose, Colo.
 Keeline, Geo. A., Council Bluffs, Iowa.
 Keeline, Oscar, Council Bluffs, Iowa.
 Kendrick, J. B., Sheridan, Wyo.
 Kent & Bissel Cattle Co., West Grove, Pa.
 Killian, J. B., Delta, Colo.
 King, Preston, Taponas, Colo.
 Kilpatrick, W. H., Newcastle, Wyo.
 Kohler, Henry, Cedar Edge, Colo.
 Klug, J. P. Evans, Wyo.
 Laughlin, Allen, Glendoe, Wyo.
 Lee, Wm. R., Glenwood, Colo.
 Lemmon, G. E., Spearfish, S. Dak.
 Leonard, Alden, Whitewater, Colo.
 Limberg, Chas., Leadville, Colo.
 Lingren, John, Cedar Edge, Colo.
 Lincoln, A., Deerfield, Mont.
 Linger, G. W., Walden, Colo.
 Light, Fred, Watson, Colo.
 Lowell, John W., Denver, Colo.
 Lockhart, Jas. A., Colorado Springs, Colo.
 Lowell, H. A., Hugo, Colo.
 Lusk, F. C., Chico, Cal.
 Matthews, E. J., Delta, Colo.
 Mason, N. H. A., Deeth, Nev.
 Marr, Wm., Hebron, Colo.
 Martin, A. F., Golden, Colo.
 Mallin, J. D., Stock Yards, Colo.
 Martin, Geo. S., Casper, Wyo.
 Merritt, G. W., Woodland, Cal.
 Meyer, Max J., Cheyenne, Wyo.
 Miller, Henry, San Francisco, Cal.
 Miller, J. C., Rawlins, Wyo.
 Milner, F. E., Steamboat Springs, Colo.
 Miller, J. A., Wigwam, Colo.
 Mitchell, Ferguson S., Uva, Wyo.
 Moses, Samuel, Simeon, Nebr.
 Morris, P. Randolph, Parachute, Colo.
 Morley, John, Yuma, Colo.
 Morgan, Geo. F., Laramie, Wyo.
 Mossman, Burton, Phoenix, Ariz.
 Moulton, A. C., Meeker, Colo.
 Mower, C. E., Delta, Colo.
 Moseley, A. T., Arlington, Colo.
 Moses, Jno. F., Burns, Colo.
 Moore, Crawford, Yuma, Colo.
 Moles, J. B., Yampa, Colo.

- Mostyn, T. A., Ouray, Colo.
 Modisitt, A. R., Rushville, Nebr.
 Moorhead, G. P., Omaha, Nebr.
 Mortimer, Thos., Madison, Nebr.
 Murphy, Frank W., Spicer, Colo.
 Murphy, Jno. T., Helena, Mont.
 McKay, Hugh, De Beque, Colo.
 McClair, J. W., Manzanola, Colo.
 McGrew, I. W., Durango, Colo.
 McGregor, A. E., Powderhorn, Colo.
 McClellan, Geo. B., Red Bank, Wyo.
 McKittrick, W. H., Wilcox, Ariz.
 McIntosh, H. F., Omaha, Nebr.
 McCornick, W. S., Salt Lake, Utah.
 McCoy, J. C., Elko, Nev.
 McCormick, Paul, Billings, Mont.
 McConnell, D. A., Doyleville, Colo.
 McCoy, C. H., McCoy, Colo.
 McDonald, Donald, Diamond, Wyo.
 McDougal, Colin, Chugwater, Wyo.
 Newhall, W. M., San Francisco, Cal.
 Newcomb, D. E., La Jara, Colo.
 Neff, Wm., La Jara, Colo.
 Nebraska Land and Feeding Co., Ellsworth, Nebr.
 New Hampshire C. Co., Concord, N. H.
 Nisbet, A. J., Denver, Colo.
 Nickel, Leroy, San Francisco, Cal.
 Nixon, Geo. S., Winnemucca, Nev.
 Noble, Fred W., Norths Ranch, Nev.
 Norral, Andrew, Walden, Colo.
 Nuckolls, J. M., Rifle, Colo.
 Nutter, Preston, Colton, Utah.
 Oldland, R., Meeker, Colo.
 Osburn, Bros., Elizabeth, Colo.
 O'Donel, C. M., Bell Ranch, N. Mex.
 Parsons, M. K., Salt Lake, Utah.
 Parsons, E. C., Salt Lake, Utah.
 Parramore, J. H., Abilene, Tex.
 Paxton, W. A., Omaha, Nebr.
 Patrick, G. F., Pueblo, Colo.
 Pharo, Thos. P., Colorow, Colo.
 Page, C. G., Norton, Kans.
 Painter, Jno. E., Roggen, Colo.
 Prairie C. Co., Higbee, Colo.
 Patrick, Ed L., Patrick, Wyo.
 Prentice, Geo., Rock River, Wyo.
 Petrie, Harry, Denver, Colo.
 Peterson, Andrew, Hebron, Colo.
 Peterson, Elias, Hebron, Colo.
 Phelan, J. R., Alliance, Nebr.
 Pierson, Chas. O., Newcastle, Colo.
 Pierce, J. N., Leadville, Colo.
 Place, F. E., Casper, Wyo.
 Pike, J. L., Burns, Colo.
 Pogson, R. M., San Francisco, Cal.
 Porter, J. N., Globe, Ariz.
 Potter, H. W., La Junta, Colo.
 Powell, A., Yampa, Colo.
 Porter, M. J., Collbran, Colo.
 Porter, Henry M., Denver, Colo.
 Pryor, A. M., Pueblo, Colo.
 Pugh, J. J., Tuttle, Colo.
 Reef, J. S., Leadville, Colo.
 Reid, Ed H., Colorado Springs, Colo.
 Reynolds, Chas. A., Fairmont, Colo.
 Reid, John, Hatton, Wyo.
 Riley, J. H., Colorado Springs, Colo.
 Riach, John, Hebron, Colo.
 Riggs, W. C., Majestic, Colo.
 Ricketts, W. P., Gillette, Wyo.
 Riley, A. W., Santa Rosa, Cal.
 Richards, Chas. N., Casper, Wyo.
 Richard, Jarvis, Kuhns Crossing, Colo.
 Robinson, H. H., Denver, Colo.
 Robinson, H. W., Denver, Colo.
 Robinson, R. G., Wigwam, Colo.
 Rockwell, F. S., Denver, Colo.
 Robertson, A. B., Colorado, Tex.
 Ross, Frank W., St. Anthony, Idaho.
 Rogers, H. D., Kansas City, Mo.
 Rogers, Daniel, Sheridan Lake, Colo.
 Rowe, Alfred, Clarendon, Tex.
 Ross, Ed. T., Gordon, Nebr.
 Robinson, B. E., Wray, Colo.
 Richards, Bartlett, Ellsworth, Nebr.
 Russell, Geo., Elko, Nev.
 Russ, Wm. N., Eureka, Cal.
 Rugg, J. E., Omaha, Nebr.
 Rugg, C. F., Phillipps, Wyo.
 Ryan, Chas. M., Montrose, Colo.
 Schaefer, Conrad, Deuel, Colo.
 Savage, W. L., Maher, Colo.
 Spaugh, A. A., Manville, Wyo.
 Saunders, B. F., Salt Lake, Utah.
 Sparks, John, Reno, Nev.
 Sparks, Walter, American Falls, Idaho
 Stauffer, E. A., Winnemucca, Nev.
 Shattuck, W. C., South Omaha, Nebr.
 Sargent, B. V., Salinas, Cal.
 Shambaugh, T. M., Bostwick, Nebr.
 Stauffacher, Ed., Catherine, Colo.
 Standard, C. Co., Ames, Nebr.
 Schafer, Albert, Greenwood, Colo.
 Shaw, Jas. C., Orrin, Wyo.
 Salina L. & G. Co., Salina, Utah.
 Speer Bros. Cattle Co., Big Horn, Wyo
 Stenger, Ed., Hermosa, S. Dak.
 Stewart, F. M., Buffalogap, S. Dak.
 Sherman, E. H., Butte, Mont.
 Selby, Jos., Rifle, Colo.
 Stewart, C. H., Wiggins, Colo.
 Sherlock, E. H., Lamar, Colo.
 Sheehan, D. J., Ranges, Wyo.
 Speed, E. W., South Omaha, Nebr.
 Spencer, J. C., Newcastle, Wyo.
 Skinner, Geo. W., Denver, Colo.
 Smith, Geo. P., Grand Junction, Colo
 Shiedler, Chas., Rifle, Colo.
 Squires, Frank, Rifle, Colo.
 Stickney, D. N., Laramie, Wyo.
 Silva, T. G., Shoshone, Idaho.
 Smiley, Wm., Deeth, Nev.
 Sibbold, J., Golconda, Idaho.
 Shirk, D. L., Shirk, Oreg.
 Simpson, A., Frost, Colo.
 Smith, A. W., Big Piney, Wyo.
 Swink, Lewis, Rocky Ford, Colo.
 Simonso, J. A., Denver, Colo.
 Smith, Chas. H., Denver, Colo.
 Shick, Frank N., Wheatland, Wyo.
 Smith, A. W., Big Piney, Wyo.
 Stiehl, Frank J., Buford, N. Dak.
 Stone, Chas., Evanston, Wyo.

| | |
|---------------------------------------|--|
| Stottenburg, Lewis, Byers, Colo. | Walling, Wm. English, Agate, Nebr. |
| Snow, John T., Patrick, Wyo. | Walling, Willoughby G., Agate, Nebr. |
| South, John G., Burns, Oreg. | Warner Valley S. Co., Fort Bidwell, Cal. |
| Scott, Stephen, Culbertson, Mont. | Welch, John, Wolcott, Colo. |
| Sullivan, Dennis, Denver, Colo. | West, Geo. E., Durango, Colo. |
| Shuford, J. D., Fort Worth, Tex. | Wells, Elyah, Hanley, Idaho. |
| Sun, Tom, Split Rock, Wyo. | Wheeler, W. E., Yampa, Colo. |
| Sylvester, L. B., Montevista, Colo. | Wetzel, C. E., Delta, Colo. |
| Simonson, A. J., Alliance, Nebr. | Wilmot, R. O., Hotchkiss, Colo. |
| Slater, S. S., Como, Colo. | Whitney, Jno. N., Evanston, Wyo. |
| Tarpey, D. P., Salt Lake, Utah. | White, Jno. H., Salt Lake, Utah. |
| Tabor, N. H., Denver, Colo. | White, Wm. L., Salt Lake, Utah. |
| Taylor, James, Hebron, Colo. | Witwer, Harvey E., Greeley, Colo. |
| Taylor, Wm., Rock Creek, Wyo. | Williams, John, Brush, Colo. |
| Tillery, M. F. Montrose, Colo. | Whitaker, D. R., Little Bear, Wyo. |
| Tinnin, Granville, Rushville, Nebr. | Widman, Geo. C., Montevista, Colo. |
| Thorp, Russell, Rawhide Buttes, Wyo. | Whipple, D. W., Steamboat Springs, Colo. |
| Thoman, C. B., Lamar, Colo. | Williamson, H. T., Eagle, Colo. |
| Toltec Live Stock Co., Toltec, Wyo. | Williams, M., Salinas, Cal. |
| Truitt & Son, Deeth, Nev. | Williams, H., Butte, Mont. |
| Trull, John M., Trull, Colo. | Wills, A. S., & Son, Akron, Colo. |
| Turner, Geo. H., Story, Nebr. | Wood, Geo. W., Denver, Colo. |
| Tuttle, George, Akron, Colo. | Worrack, W. A., Eckert, Colo. |
| Van Tassel, R. S., Cheyenne, Wyo. | Wood, Chas., Eckert, Colo. |
| Valentine, F. E., Aurora, Nebr. | Woodring, Phil, Hotchkiss, Colo. |
| Verner, M. J., Kansas City, Mo. | Woolery, H., Steamboat Springs, Colo. |
| Van Doran, J. S., Blue Water, N. Mex. | Wulfjen, C. W., & Son, Decker, Mont. |
| Van Meter, J. J., Norton, Kans. | Young, Geo. L., Carbondale, Colo. |
| Von Hagen, H., Ridgeway, Colo. | Yoder Bros., Kimball, Nebr. |
| Walsh, Richard, Paloduro, Tex. | Yule, Geo., Newcastle, Colo. |
| Watson, Cash S., Denver, Colo. | Yule, Jos., Newcastle, Colo. |
| Walsh, P., Austin, Cal. | |

Mr. JONES. You did not hear my question. I understand this is addressed to the President, asking him to maintain your fences?

Mr. RICHARDS. No, sir; we are not asking him to maintain our fences.

Mr. JONES. Probably not just that—

Mr. RICHARDS. It will possibly be a diversion for me to go off into that, but I will do so as long as you request it.

Mr. JONES. No; I do not want to know anything except this; as I understand you have the public land fenced in many instances?

Mr. RICHARDS. In the State of Nebraska ten million of acres are inclosed in fences against the law.

Mr. JONES. And you are asking the President to allow these fences to remain there contrary to law?

Mr. RICHARDS. The antifence bill was passed in 1885—

Mr. JONES. I say, is not that your request to the President?

Mr. RICHARDS. If you will allow me to state it—

Mr. JONES. I just want to know—

Mr. KLEBERG. Let him make an explanation.

Mr. JONES. Certainly.

Mr. RICHARDS. The law of 1885 against the fencing of the public domain was a just and good law, and we could hardly do without it. The Government stands in a position to-day of being the arbiter in such matters. Where cattle would drift out of the country, or drift down upon farming communities and practically obliterate them, they put up drift fences in many places. In other places where they had fights and feuds between themselves over their range rights they have put in line fences between them, until to-day, in the State of Nebraska,

the whole of the State vacant lands have been fenced. That would seem to the average Easterner as a very strange and curious condition of affairs, but it has been the means of producing harmony. The reason of it is this: I told you that we had in our section hay lands upon which we fed hay to our cattle during the storms.

We have not sufficient there, however, to prevent the cattle from going hungry a good share of the winter unless they have outside grazing. A man has gone there twenty years ago and taken up a homestead, and has 160 acres of hay land upon which he cuts possibly 150 tons of hay, and he must have a little zone around his dooryard where he can keep his cattle during the winter, where he can bring them in out of the storms and feed them from the limited haystacks, and where he can have them close to water in that dry country in which we live; where the mortgagee when he comes around can find his cattle when he wishes them, and therefore the ranchman is able to borrow a little money upon them. He can also have his own bulls, which he buys, serve his own cows and establish breeds of cattle which are of a superior quality. We do not ask the President to uphold or maintain any law which is vicious and which is against the general interest of the public.

Mr. JONES. Had not you better come to Congress and ask Congress to repeal that law instead of asking the President not to enforce the law, that is what I want to bring out?

Mr. RICHARDS. We do not want the law repealed.

Mr. JONES. Then you had better ask the President to enforce it.

Mr. RICHARDS. We are not asking the President to enforce it, either.

Mr. JONES. I know that you are not; that is what I am after. You are asking him to violate it. That is what I wanted to bring out.

Mr. RICHARDS. We are asking the President to simply allow the matter to stand in the same condition every other President, including Democratic and Republican Presidents, have for the last seventeen years.

Mr. JONES. I do not dispute that at all. I am not criticising your action at all. I am simply asking if that is not the case, that you are asking the President simply to uphold that which the law prohibits. If the law is not a good one, ask the Congress to repeal it.

Mr. RICHARDS. We say it is a good one because they—the Government—stands in the position where a man has a gun which he can fire when anyone does not do right; as long as it serves the bulk of the people well, is a blessing to many, a detriment to few, we ask it to remain, and ask him to prosecute only those where feuds exist.

Mr. JONES. In other words, you ask him to enforce the law in one section of the country and not in another?

Mr. RICHARDS. We simply do not ask him to enforce the law at all; we ask him to allow the Department to stand where it has for the last seventeen years without making any extra effort until we have time to put this lease law before Congress.

Mr. IRISH. By permission of Mr. Richards I wish to state as clearly as I can what I understand to be the position of the Western stockmen who admit that they have unlawfully fenced. There is a distinction between the executive administration of the law and a judicial administration. No one here asks the President to interfere with the courts where proceedings are taken in relation to these fences; no one is so unreasonable as to expect the President or the Executive in any way

to interfere, but upon the field where that law is made the object of administrative attention then we ask a discrimination of administrative attention.

These gentlemen come here asking for a lease law that will give them the right of legal protection over the range, which they now protect by fences which they admit are there in violation of the law, subject either to administrative destruction or judicial censure and punishment. There are two classes of fence men; one is the class which is opposing any kind of legislation which will substitute law for lawlessness in protecting the range, saying, as was said from Colorado, they simply want to be let alone. Those people who represent the leasing sentiment do not want to be let alone in that sense, but they desire a law passed which will protect the property that has been built up on these ranges, that in western Nebraska amounts to \$50,000,000. If these fences are taken away by administrative act this year it will result, I am assured by the bankers of western Nebraska, in a financial panic in that State, because it destroys the security upon which large mortgages rest. I thank you.

Mr. RICHARDS. Relative to that I may say that in Denver, to show the other side of it, on the 6th of March Mr. J. D. Sheehan, of Ron-gis, Wyo. (he used to be a cowboy, and I presume has only about 320 acres of land with a small herd of cattle), at great expense came down there, a number of miles, and made the most astounding statement, that in his section there was not a bunch of grass eaten by a cow that was not protected by a Winchester rifle. He said that applied to his section and Sweetwater and Uinta counties. He begged and prayed those of us who could afford to do so to come here to Washington to further this lease bill. I will say here that there is not a man present in this room who has not paid his own fare out of his own pocket. There is no combination. There never has been a fund raised to provide anything to help this legislation or—

Mr. IRISH. Right there in the nature of a personal statement, in a colloquy in the presence of this committee last Wednesday, a personal charge was made against me that I was here as a paid lobbyist. Have you ever known me to be paid a penny?

Mr. RICHARDS. Never, nor by any association with which I am connected. I am vice-president of the American Cattle Growers' Association, a member of the South Dakota association and the Nebraska association, and I never knew one dollar being expended for any lobbyist or the expense of any man in the city of Washington or anywhere else.

I even paid out of my own pocket for a thousand copies of the Senate bill to be printed and distributed at the request of a number of people who wrote and asked if I could get them. Continuing, Mr. Sheehan made the statement that no bunch of grass was eaten by any cow in his section of the country that was not protected by a Winchester rifle, and asked those of us who had the means to come down here and get the ear of Congress and the United States Senate, and for God's sake to do something to relieve them in his section and keep blood from their hands. He drew one of the most pathetic pictures you have ever heard.

Mr. JONES. Is his place in Colorado or Wyoming?

Mr. RICHARDS. Wyoming. He said:

I have a wife and babies whom it is hard to support with what little I have got. I have my semiirrigated farm here, and the mountains are just back of us, and we keep our cattle there in the summer time where there is water. In the winter time we must have them close to our gates, close to our pastures; therefore we herd them out in front of our meadows there that we may make our hay go as far as possible, that we may have our cattle where we can take care of them during storms.

This was on the 6th of March. I happened to be in southern California where my family was on the 29th of March and picked up a paper and found four men had been shot near that locality. They had cut the telegraph wires and telephone wires, and this had occurred against their plea, against their wishes. But as one told me privately, "For God's sake, if you were in our situation, what could you do, what could you do?" Now, it is such things as that, where Swift & Co.'s sheep walk through a valley, as they did last year, a hundred thousand strong with—

Mr. KLEBERG. Do you mean Swift, the packers?

Mr. RICHARDS. Yes, sir. Not only these but others trailing by these people's dooryards, these poor residents of that country, who must pay their taxes and support their children; going by their dooryards they sweep away every vestige of herbage as though a flock of locusts had passed over it. Who would not do something? Those men appeal for this kind of legislation. Those are law-abiding men. This man is a law-abiding man, one of the most law-abiding men in the State of Wyoming, and he prayed us to plead for the protection of a lease law.

Mr. ESCH. You make the point that the small stock grower is also interested in lease legislation?

Mr. RICHARDS. Just such a man as I have spoken of here. Mr. Modisett, here, is the vice-president of the Nebraska Stock Growers' Association. We have 400 members in that association. There are 85 per cent and more of them who do not own 500 head of cattle apiece. I am neither an officer or on the executive committee of that association.

Mr. ESCH. The point has been made in this discussion that this legislation was just in the interest of the large cattle growers, and that is the reason I raised the point?

Mr. RICHARDS. To show you it is not, I will say that on this petition of 2,000 men from our immediate vicinity I will guarantee you there are not 100 men on that petition who own a thousand head of cattle.

Mr. MARTIN. Do you think that if this bill was drawn or another bill was drawn that limited the lease privilege to actual settlers or actual residents of the locality, and confined the acreage in each to an amount, say, sufficient to support 500 head of stock, that it would receive the support of stock growers of this section generally?

Mr. RICHARDS. When you come to limit that, you drive out an industry which has built up South Omaha, which has built up the West—

Mr. MARTIN. It would not be satisfactory to those people?

Mr. RICHARDS. I do not think it would be.

Mr. KLEBERG. It would be a discrimination against the large stockman?

Mr. RICHARDS. It would be a discrimination against the larger stockmen.

Mr. MOODY. How many cattle have you?

Mr. RICHARDS. I have something over 10,000 head of cattle. I am the largest stock raiser in the State of Nebraska. I doubt if there is another man here present who has 2,000 head. There are some present who have not over 500 or 600 head. I will say in this connection, to bring the thing home as an object lesson, for that is what you all want, that I own more of my own land than any other ranchman that I know west of the one hundredth meridian.

There is not a clause in that bill that I want half the benefits of. It gives 10 acres of leasehold to one of freehold; I do not want 5. I will register this assertion before this committee: In case this bill goes through, I will say that I will not take advantage of one-half of any of the three divisions. It is the poor man who has only his 160 acres of land to whom 10 acres to 1, 1,600 acres, will not be sufficient. You must remember in our country after you exempt the meadows the grass is so sparse that it takes 30 acres of land to graze one cow; 30 acres! Our grass in that country, you must understand, grows not as it does in Arkansas, not as it does in Minnesota, or in the East, all the year round, but starts in to grow after the warm weather and spring rains come, which will not be until the middle of May, and it grows until the 1st of July or the 15th of July, and there it stops and there it cures and it then becomes standing hay and it does not grow again during that year.

If it is once eaten down or trampled down, our pasturage is gone. It is hard for an Eastern man to realize that we are dependent practically upon a six weeks' growth of grass to support our cattle the whole year round. When this is taken into consideration, you must see that a man with 500 head of cattle must have a large scope of territory comparatively to what you would imagine in the East or any other place would be necessary. Therefore, limiting the holdings such as you speak of could not be possible in our country. I have here, to go on with these petitions, a resolution from the State of Nebraska passed by the Nebraska Stock Growers' Association:

"Resolved, That it is the sense of this meeting, that in view of the probable removal of fences on Government domain, we are in favor of the leasing of the public lands in such a manner and under such restrictions as will protect the small stock grower as well as the large owner."

Resolutions passed by Nebraska Stock Growers' Association, at a meeting held at Alliance, Nebr., February 18, 1902.

Mr. MARTIN. While you are referring to Nebraska upon that subject—as I want the effects well understood—if this bill should be placed in operation I would like to ask what would be its effect in your judgment upon that particular section with which you are very familiar. For example, would the lease that would be given out under this law and under these preferences given—would the public land subject to lease be practically leased to the men who are now there and have freehold and who have interests there at the present time?

Mr. RICHARDS. There is absolutely no question about it.

Mr. MARTIN. It would be all taken by the people who are there now?

Mr. RICHARDS. I think so.

Mr. MARTIN. Under the preferences here given?

Mr. RICHARDS. I think so.

Mr. MARTIN. Of course, then, it would not leave room for any outsiders to go in there, by your statement, expecting to get any leases

unless they could get something away from those who are now in that section of the country?

Mr. RICHARDS. They would have to do just as they do when they come down in the eastern part of the country or come east of the Missouri River or east of the one hundredth meridian—they would have to buy a piece of land or else homestead until the end of the lease.

Mr. MARTIN. Are there any homesteaders seeking settlement in that section at the present time?

Mr. RICHARDS. I am very glad you asked that question, because I was talking a short time ago with Mr. Rosewater, of the Omaha Bee, and he said:

Mr. Richards, this measure is one which interests me very much, because if we can increase the population of the State of Nebraska 10,000 it will mean \$1,000 for the Omaha Bee.

I told him I had made the assertion before an officer of the Free-mont, Elkhorn and Missouri Valley Railroad that on account of the inadequacy of the land laws in the United States of America, which we supposed to be the home of the free, that I knew of 100 families who had left the western part of Nebraska inside of the last eighteen months and had gone to Canada that they might get a homestead lease under the homestead lease laws, where they could live.

I will say to you to-day that they told me I was mistaken; that he happened to know that 300 families had left western Nebraska and gone to the Northwest possessions, for rights which they could not get under the laws of the United States Government. I tell you, gentlemen, to-day my partner is visiting a neighbor of ours—beef high, as you know—who wants to sell his cattle at \$20 a head, including his 2-year-old steers. He has already sold his hay meadows—and he was as comfortably fixed as most of them—because it is reported that the fences have to come down, as Congress will not lease any land. The laws of the State of Nebraska are such that you must herd your cattle off your neighbor's fields; he need not fence them. The result of it is that this man is selling out to-day at a ruinous price, and is going to Canada, where he can get what he terms a square show.

Mr. KLEBERG. Let me ask you, in that connection, Mr. Richards, what is the principal cause of their leaving?

Mr. RICHARDS. The principal cause of their leaving is this, that west of the one hundredth meridian in the State of Nebraska no one can make a living except under irrigation, unless he has hay lands, and unless he has a holding sufficient upon which to graze his stock, no matter if he has seventy or one hundred and seventy or seven hundred head of cattle.

Mr. MARTIN. If I get your point, it is that people now living in that section, because of the unsatisfactory conditions of the laws, are leaving, but that if this law should be passed the lands of the Government would all be taken by the people now there. How would you consider that future settlements would be encouraged in that section?

Mr. RICHARDS. The law here allows every present land law to continue in force. It goes further than that—it allows the United States through its Congress or through the action of the Secretary of the Interior, I forget which, to reserve or take out of any lease at any time, without consideration to the leaseholder, any reservation that it may see fit for irrigation or for any other purposes that the Government

chooses. To-day I may tell you that the land has all been culled over. It is generally the idea that the settler goes West and takes up his farm in western Nebraska. That is not true. There is not a farm in western Nebraska outside of irrigation. There are no hay meadows left, and you must have hay to feed your cattle upon in the winter time. The claims that are being taken up to-day are being taken by the stockmen and the people in that country.

If it were not so our population would be increasing, and it is not. It is being taken up to protect the lands that they at present have. They are doing it lawfully and legally. Inside of my territory to-day, where I own lands, I do not know of one; and, as God is my judge, I have never placed a pebble in the road of any man who has wanted to come around me and take a homestead on my range. Those lands to-day, if there are one hundred and sixty acres that are of any value, will be taken up by anyone who chooses. I know immediately that that man is simply taking that land up with the expectation of selling to me at some future time, legally taking it up for his own benefit, and he does not quarrel with me. I have not a quarrel with a neighbor that I know of to-day—not one—and those are the people who are taking up the homesteads.

MR. MONDELL. It is your opinion that, so far as western Nebraska is concerned, the opportunities for building up new homes are about exhausted, that practically all of the tracts of land have been taken that are of any special value or which may be made valuable—

MR. RICHARDS. Unless by irrigation.

MR. MONDELL (continuing). Except as in the future you may improve them by artesian wells or by the construction of reservoirs? In other words, you have gone about as far in the matter of increasing the population and the development of new homes and new farms as under the present condition of affairs is possible?

MR. RICHARDS. Yes, sir.

MR. MONDELL. Now, of course, it is claimed that that is not true of all of the public domain. Your territory is not arid but semiarid, and the population has been spreading over and extending over your territory for a great many years, and a good deal of land was taken up and abandoned. Then the culling process has been going on for some length of time. It is known that it is not true of all the arid region, but that in a very considerable portion of the arid region settlers are taking up lands and making comfortable homes where a short time ago they did not think it possible. In that view, have you ever thought of drafting a bill that would be applicable to Nebraska alone that it might serve as an object lesson for the balance of the territory?

MR. RICHARDS. We have thought of it very seriously and I hope that in the failure of this bill to meet with your approbation, that such a bill, which will be equitable for all alike, may be passed. And to-day I wish it first understood that I am speaking for all the people in the arid country whose conditions are like ours or who are situated like the gentleman I mentioned from Wyoming a short time ago; but I am speaking first for them, and after that I am for Nebraska.

MR. MONDELL. Understand, my query was founded on my knowledge of the conditions in Nebraska. In the first place, you have no mountainous country in Nebraska and there is a great deal in other portions of the arid region; you do not have the question of mountainous and timber country to deal with. Second, you have no min-

eral region in Nebraska and you do not have the complications of a mineral region, and you have no large areas that in the course of time might be irrigated from water supplies now visible and in sight.

Mr. RICHARDS. We have large possibilities in the way of irrigation in Nebraska.

Mr. MONDELL. You have more from artesian wells and from the development of underground flows than from the water on the surface, except by about two rivers.

Mr. RICHARDS. We have the Niobrara, we have the North Loup, we have the Dismal, and we have the Platte, and we have small streams.

Mr. MONDELL. You are developing probably more acres in proportion to the acreage you have than most any other part of the region, but it will perhaps be a development in smaller areas than in some other regions. In other words, you have a condition that is not quite so complicated as the condition in some of the other regions, and necessarily not so complicated, and it has been suggested that it might be possible to inaugurate a system of leasing which would affect only one State, where the conditions are not so complicated, taking in the whole region, that would serve as an object lesson from which we could build up legislation for the balance of the region.

Mr. RICHARDS. Of course, we have one State which gives us a very striking and good object lesson—the State of Texas which owns its own lands—and they passed this resolution which is adopted by 1,400 men. The State of Texas, as you know, has something over 9,000,000 of cattle in it; it is the largest cattle-growing State in the Union. Iowa comes next with about 5,000,000; Kansas comes next with about 4,000,000, and Nebraska stands fourth of all the States in the Union in the number of cattle. We have in the vicinity of 3,200,000 cattle, so that our plea to-day, barring Texas which has its own lands, should stand third in your attention, even if we put it upon that basis. Barring Iowa which has no public lands, Nebraska should stand second in your attention in this matter.

To show you, Mr. Mondell, that your remarks are correct to a certain degree and in general, taking the entire area of Nebraska, we only have one-fourth of an acre of unoccupied land in the State. We have a dense population east of the one hundredth meridian, and if this land was any good west of the one hundredth meridian, does it not strike you immediately as a common-sense matter, that our brothers in the eastern end of the State would come over and get some of it? And yet there are 10,000,000 acres of land in Nebraska that are vacant, and there we are with the greatest number of cattle, with the exception of three others, of any State in the United States. We have 10,000,000 acres of vacant land which to-day is going very slowly, and where it is going it is going simply in the interest of stock raising and not to settlers. That almost demonstrates on its face what they have all said that it was a stock-raising country.

The bulk is nonarable, and when it comes to irrigation, that is just as much a necessity, as every man in the stock-grazing country knows, to our own industry as to any other, because the irrigator can not send his crops out of the country. He must have his grazing lands adjacent thereto, in order that he may feed his alfalfa or his sorghum or his corn, or whatever he raises there, to his cattle, and ship it out in that form—something that will walk to a railroad; to use an old expression, you can not chase a cow with an engine, but you can drive your cattle

to the railway. You can not haul your forage a good many miles over sand hills and put it on the train to ship it to Omaha or the East to sell it; it must be fed there; therefore, it is just as necessary to the man who has his irrigated farm to have a little stock about his farm and sufficient space whereon he can graze his cattle and his sheep as it is for him to have the water on his land to raise the hay, because the hay is no good without the cattle. Therefore, we come hand in hand, and anybody who says the stock-grazing industry and the interests of the irrigator are not one and the same, is mistaken or misinformed.

Mr. KLEBERG. Going back to the fence question, something has been said about the unlawful spirit of the people; is it not a fact that the men behind this fence movement are those who want to take advantage of the grass?

Mr. RICHARDS. In almost every instance, or it is like a neighbor of mine who was sent to the penitentiary for stealing cattle, and he immediately wrote to the Secretary of the Interior complaining of his neighbors fencing in public lands.

Mr. ESCH. There is no objection on your part to a provision in the bill against subletting at no greater price than 2 cents an acre?

Whereas it is now imminent that the Government intends the removal of all fences from the public domain; now, therefore, be it

Resolved, That we, the members of the Colorado Cattle and Horse Growers' Association in convention assembled, do most respectfully petition Theodore Roosevelt, the President of the United States, to stay further proceedings in the Interior Department that are now or may be directed toward the removal of fences from the public domain until time to pass appropriate legislation pertaining to the disposal of the lands of this section is had.

We urgently ask each of our Senators and Congressmen, without respect to party, to unite in the presentation of this petition to the President and use their best efforts in our behalf in this emergency.

Unanimously passed at the annual convention of the Colorado Cattle and Horse Growers' Association, March 4, 1902.

Signed and sealed.

FRED P. JOHNSON, *Secretary*.

MEMBERS OF THE CATTLE AND HORSE GROWERS' ASSOCIATION.

| | |
|---|--|
| Axial Basin Stock Growers' Association. | Kit Carson Live Stock Association. |
| Arickaree Valley Stock Growers' Association. | Lincoln County Cattle Growers' Association. |
| Boulder County Stock Growers' Association. | Larimer County Cattle Growers' Association. |
| Bent County Cattle and Horse Growers' Association. | Montezuma County Stock Growers' Association. |
| Chaffee County Stock Growers' Association. | Montrose Cattle and Horse Growers' Association. |
| Cattle and Horse Protective Association; district 9. | Middle Park Stock Growers' Association. |
| Douglas County Stock Growers' Association. | North Park Stock Growers' Association. |
| Eagle Stock Growers' Association. | Otero County Stock Association. |
| Egeria Park Stock Association. | Park County Cattle Growers' Association. |
| Edwards Stock Growers' Association. | Roaring Fork and Eagle River Stock Growers' Association. |
| Elk River Stock Growers' Association. | Routt County Range Protective Association. |
| Fremont County Cattle Growers' Association. | Saguache Stock Growers' Association. |
| Fort Collins Sheep Feeders' Association. | San Luis Valley Cattle and Horse Growers' Association. |
| Gunnison County Stock Growers' Association. | Steamboat Springs Cattle Growers' Association. |
| Grand River Stock Growers' Association. | Southern Colorado Cattle Growers' Association. |
| Hayden Stock Growers' and Range Protective Association. | Yuma and Eastern Arapahoe County Association. |

Mr. RICHARDS. Not at all. I think that is a very good provision. I have never heard it spoken of before.

This resolution is from the Colorado Cattle and Horse Growers' Association:

Whereas it is now imminent that the Government intends the removal of all fences from the public domain: Now, therefore, be it

Resolved, That we, the members of the Colorado Cattle and Horse Growers' Association in convention assembled, do most respectfully petition Theodore Roosevelt, the President of the United States, to stay further proceedings in the Interior Department that are now or may be directed toward the removal of fences from the public domain until time to pass appropriate legislation pertaining to the disposal of the lands of this section is had.

We urgently ask each of our Senators and Congressmen, without respect to party, to unite in the presentation of this petition to the President and use their best efforts in our behalf in this emergency.

Unanimously passed at the annual convention of the Colorado Cattle and Horse Growers' Association, March 4, 1902.

FRED. P. JOHNSON, *Secretary*.

Mr. MONDELL. What is the name of that association?

Mr. RICHARDS. The Colorado Cattle and Horse Growers' Association.

Mr. MONDELL. Mr. Bell seemed to think that the small stockmen in his State were a unit against any leasing legislation.

Mr. RICHARDS. I happen to be a partner of my brother, Jarvis Richards, who lives 60 miles east of the city of Denver. We have a number of sections of railway land which we bought from the Kansas Pacific Railway Company, and interspersed with it we have about 2,000 acres of land which we bought from a resident who had been there twenty-five years. Therefore we have an area of which we own absolutely in fee simple as 5 would be to 8; in other words, five-eighths.

In other words, we own every alternate section—which would be a half—besides which we own more as above. This is within the railway-grant strip, so in the case of a lease we would not want one acre there for each acre of deeded land.

What is the condition there to-day? We are unable to fence, although we have a large investment in the land. We can not possibly protect our land. Our neighbor says: "There is Government land within there and if you put up a fence, I will see that it comes down or apply to the Interior Department."

Mr. MONDELL. Under the law you can not build fences even on your own land if it includes any Government land?

Mr. RICHARDS. No, sir. That was decided by a case some years ago, *Camfield v. The United States*, by the Supreme Court. What is the result of this? We go to our attorneys, Patterson & Richardson, of Denver, and ask them to take charge of our case.

They give us advice that "the law certainly ought to protect your own lands, and the Supreme Court of the United States denying you the privilege of fencing, because thereby you inclose Government land, you certainly ought to be able to turn your neighbor's cattle off of your land and herd them so far off that they will not drift back." If you drove them to the center of any one of the sections of Government land, a half of a mile or less, it would not be ten minutes before they would be back. Therefore they hold that we can push the stray cattle outside our holdings under equity of the law (that in a humane, herdsmanlike gentle manner), and that otherwise you would have absolutely no use of your holdings. We were then sued for \$15,000

damages. This neighbor in the meantime had refused to even compromise the case or leave it to arbitration, which we were willing to do.

That shows you how things are getting into a legal tangle and why we must needs have some help from this distress.

Within sixty days a decision has been handed down by the supreme court of the State of Wyoming in the case of *Cosgriff v. Miller*. One of the parties owned or leased from the railway company the alternate sections, and the other party claimed that as the other alternate sections were Government land, that what was Government land was his equal with any other citizen, and suit was brought and an injunction was obtained, and the result was the other day that the decision of the lower court was affirmed in the State supreme court, telling one of the parties that he must keep his sheep off this land—that he must not drive across the owned land of his neighbor. It naturally follows he can not get onto the Government sections. This is a case where the Government land is practically owned by the man who owns the alternate sections.

I can give you another instance. Mr. Keelene, in the northeastern section of Wyoming, has a range whereon he owns the water frontage and the water holes. His ownership is a very small portion of the range, but it controls all the water. And I may say that all the water in the West, I do not care where you go, from Oregon to Nebraska, you find the most of it is taken up and controlled, and this is true especially in the South and in New Mexico. Mr. Pugesley drove 2,500 head of cattle upon the range of Mr. Keelene and turned them loose. Mr. Keelene said: "I have gone to great expense in purchasing the water frontage here, and I do not want your cattle to come down and drink the water up. I do not want your cattle or your round-up wagons to come in, and I wish you would take them off." Pugesley said: "The bulk of your range is Government land, and I have just as much right to graze my cattle upon that land as you have." "True," says Mr. Keelene, "but you can not come on to my land and use the water."

Then Mr. Pugesley started on with his wagon and he was met at the frontier of the Keelene range by a sheriff who served him with an injunction, and Mr. Pugesley had to abandon his round-up, and since last year has not been able to gather his cattle. There is another instance here which demands your attention.

Mr. MONDELL. Did the district court in Wyoming issue that injunction?

Mr. RICHARDS. I can not tell you; I get the information from Mr. Keelene.

Mr. MARTIN. The effect of this bill would be to lease the land to Mr. Keelene, and all others would be kept away?

Mr. RICHARDS. Not necessarily.

Mr. MARTIN. He would own the river front and the water holes?

Mr. RICHARDS. He owns a very small portion of the range. In case the next man comes in and sinks down wells it would be all right, or in the case of other neighbors of Mr. Keelene, who are sheepmen, and with whom he gets along swimmingly, they would have an equal chance at the range.

Mr. MARTIN. If Mr. Keelene got 10 acres for 1, and could fence that in, he would have the proposition all to himself?

Mr. RICHARDS. Yes, sir; so far as his freehold is concerned.

The CHAIRMAN. Your statement as to the situation between Mr. Keelene and Mr. Pugesley rather indicates that Mr. Keelene, under present conditions, at the present time controls, without any payment to the Government, more range than he would be entitled to under any leasing legislation?

Mr. RICHARDS. He does; yes, sir.

Mr. BRUNDIDGE. And he would control it in the same way, no matter what legislation, if he owned all the water there?

Mr. RICHARDS. No, sir; if you will go up to the head of these creeks you would be able to sink for water. I understand this is absolutely arid country—

Mr. MONDELL. I may say that Mr. Keelene has by building storage reservoirs developed water on a considerable portion of this range, and that a great deal of the water is not natural.

Mr. FERDON. I may make the assertion that in any country where the soil will hold water that it is susceptible of irrigation for the storage of water, and it has been done at widely diversified points over that region covered by the Elkhorn and Missouri Valley Railroad, a stretch of country of 110 miles. They have simply gone out and caught the spring rains. You go into New Mexico and you see the same thing on the Divide. It is done by little ditches that circle about, back and forth, and in that way they get the water down on the level where they want it. So there is nothing impossible in the way of irrigation all through that country.

Mr. MARTIN. Those experiments are very important in solving the water problem in that country?

Mr. FERDON. Yes, sir, precisely; and that is true in any soil where the soil will hold the water. At first there is a leakage and a seepage, but if the soil is not destroyed there is a cement filling which is formed that holds the water, and holds it until such time as it is needed.

Mr. MARTIN. I have argued for years that a small expenditure upon the part of individual settlers and individual stockmen throughout the arid country in which we have sufficient rainfall, if we preserved it, would furnish abundant water for the stock?

Mr. RICHARDS. I will give an instance of an experiment of mine in this line. I told you that I had a dry ranch. Against the opinion of our State agricultural college and professors in it, and against the opinion of many scientists I drilled for artesian water in western Nebraska. They told me it was an impossibility to get it; that the geological formation of the country would not admit of such a possibility. To-day I have three artesian wells for winter water for my stock. It rises from 2 to 16 feet above the surface of the level in the low places.

Mr. JONES. How deep are the wells?

Mr. RICHARDS. Between 600 and 700 feet; not in any instance lower than 700 feet. That can be done with hydraulic well machines.

I have here also the resolution passed by the American Cattle Growers' Association:

We, the American Cattle Growers' Association in convention assembled, indorse without reserve Senate bill No. 3311, for the leasing of the public arid domains for grazing purposes, and beg our Senators and Congressmen, irrespective of party, who have the welfare of the West and the public economy of the nation at heart, to support and aid this measure, originated for our benefit and relief, with the following amendments:

This is for Senate bill No. 3311.

On page 2, line 6. Homesteads, on surveyed or unsurveyed public domain, taken up in good faith prior to January 1, 1902, shall be beneficiaries as freeholds hereunder.

Page 3, line 1. Land-grant roads and railroad corporations shall derive no rights as freeholders, or otherwise, under the terms of this act. But purchasers of land from such corporations, otherwise qualified by the terms of this act, shall be beneficiaries hereunder.

Mr. ESCH. What is the point in fixing the limitation on January 1, 1902?

Mr. RICHARDS. In order to fix a date that the matter may not be taken advantage of by speculators. A man may have been in the country for twenty years and have 160 acres of hay land, surrounding which he must have his leasehold, and under this bill he seeks that benefit.

If subsequent to a lease, a homesteader could take 10 acres lease for one acre of entered. By the investment of \$14 apiece for entry by some neighbor, by some speculators and their families, the first freeholder could be entirely surrounded and could not have a leasehold at all, and the sweat of his brow for twenty years would be simply thrown away.

Mr. ESCH. We have now pending an irrigation bill which has for its purpose of course the reclamation of a great deal of the very region that you will occupy by this bill. Is there any conflict between the two pieces of legislation?

Mr. RICHARDS. I can not see any.

Mr. RODEY. Would there not be a conflict if they leased land for five or six years?

Mr. RICHARDS. The bill provides that any reservation may be taken out for irrigation or other purposes. In other words, this bill is this, the stockmen of the West say:

Here the United States has immense properties that are not improving, which we have grown up with and have improved, and we ask you that while you have no better use for this land, that you will lease it to us at a reasonable rental, and that the moment you have any better use for it, for irrigation, for mineral entries, for storage reservoirs, for agricultural purposes, for forest reserves, for anything else which may come up and be the sense of Congress that it wants, that land shall be lifted out of the lease, and no recompense shall be made to the former leaseholder.

If I own a building in this town that has been vacant and a man came along to-day and said:

I know it is worth far more for rental, but I will give you \$50 a month for it. It ought to be worth \$150 possibly. You will have a use for it after a while, perhaps, but while it is absolutely vacant and you do not want to use it yourself or sell it, I will pay you a rental for it, but at any time you choose I will give you peaceable possession and step out with no damages on my part whatever against it—

that would look like a feasible proposition for any one man with another, and I can not see why it is not a feasible proposition for the United States Government. In that way you put all of our people on a legal basis, a basis where we can go ahead and do something, where we know what we are about, where we can preserve the range which to-day is fast going to depletion.

It may be proper for me to say right here that with all of us striving to get all we can out of a piece of land—just as you would if you had a piece of farming land—trying to put on all the cattle we can, *and eating down* all the grasses, they have eaten out the most succulent

grasses that are produced, and there will be no seed to go to seed, and the result of it is that next year the same thing is done. After awhile your useless grasses have all gone to seed, and then you have a pasture of useless grass, with the good grass all gone, and frequently it means a field of weeds. I believe that Mr. Kleberg, if he is here, can bear me out in the statement, that in Texas where they have leased their lands, they carry three and four head of cattle on the same area where they used to carry only one.

If it were a matter of household expenditure or of household economy, we certainly would take cognizance of it and try to better it. Here, to-day, you can preserve the public domain; you can put something into the coffers of our section with which to build up irrigation, and you can put us all on a legal basis, and if there is anything in the bill which is not right, make it right; but never lose sight of this one thing, that just as sure as we are here there will have to be some regulation of the public domain, and the only thing we can see is some kind of a leasing law which is equitable and right. Every other civilized country on the globe has some law for the use of its public domain. I have told you about Canada, and I have told you how it has drawn 300 families from our country, western Nebraska, and the same thing goes on in other sections.

I was before the Senate committee yesterday with these gentlemen, and the Senator from Montana stated that in Canada, north of Montana, they expected to get 20,000 people from the United States to go into the northwestern possessions and to take up grazing and irrigable lands. Now, it will be a pity if we can not have out of the great intelligence of the American people some just law made for our benefit and the benefit of all.

Mr. ESCH. Supposing the bill becomes a law, how long before the maximum of revenue production would be reached and what would that maximum be, in your opinion?

Mr. RICHARDS. I believe, sir, that there are 300,000,000 acres of land which would be leased inside of two years at 2 cents an acre.

Mr. ESCH. So the maximum of revenue production would be reached in two years?

Mr. RICHARDS. I do not think we would reach the maximum in two years. I think we would lease at least 300,000,000 acres within two years, and I believe I am conservative in that statement, very conservative. I believe you can add another hundred million acres of land.

Mr. MONDELL. This bill has been criticised on the ground that it crystallizes existing conditions. It has been criticised in comparison with the homestead laws of the Northwest Territory on that ground. The statement is made—I will not say whether the provisions of the bill will bear that construction—that the result of the passage of this bill would be to practically pass the control of all the grazing lands into the hands of the people who now reside in the arid regions, and therefore the first and important fact would not be an increase of population.

Mr. RODEY. That is the contention of New Mexico.

Mr. MONDELL (continuing). That, therefore, while it is true the Federal Government might change that statute by withdrawal for specific purposes, the great change which is constantly going on by reason of settlement would cease, because this bill practically repeals

all of the land laws except the homestead law. I might say it absolutely repeals all the land laws, except the homestead law and the mineral laws, and practically repeals the homestead law, because the homesteader would not feel justified in going within the boundaries of a leasehold and taking up 160 acres, inasmuch as he ordinarily has to depend upon the surrounding region for forage for his cattle.

That therefore the passage of the bill would put an end to settlement, and while there may be regions where at this time the population is as dense as the conditions will warrant, there is a very great deal of the arid country where the conditions will support a very much larger population by reason of the improvements that will be made by the individual homesteader, provided he has assurance of some range surrounding him, and that he would not have that assurance under this bill. As a matter of fact, he would be in the center of leasehold, with no possibility of supporting himself and his family, because he would be deprived of the use of the grass about him. That is the argument which has been made against the bill, perhaps, with more persistence and insistence than any other, and if that would be the effect of the bill, necessarily it would not have the support of those who are hopeful of increasing the population, increasing the number of homes, reducing the size of the herds, and increasing the number of herd owners.

Mr. RICHARDS. As to whether it will increase the population or not I can speak only of my own knowledge. I have told you that I believed the present laws of the United States were decreasing rather than increasing the homes in western Nebraska. You possibly know more about Wyoming than I do. I started in the cattle business in Wyoming in 1879, in the northeast corner, when the Indians were still there. I do not believe, with the exception of along the streams where it is arable and in those sections where irrigation is possible, that there are as many people in the section where I used to live in Wyoming to-day as there were then.

Mr. MONDELL. What particular section do you have reference to?

Mr. RICHARDS. I speak of the Belle Fourche country north of you.

Mr. MONDELL. Of course in the country farther down the Belle Fourche there are more.

Mr. RICHARDS. Wherever you can get water, there the Government under this bill could withhold that territory or keep out such portions as are arable and susceptible of irrigation. If it does not do that it is not the fault of the bill.

Mr. MARTIN. If a provision were put into this bill providing that any bona fide homesteader who might desire to make a homestead entry upon any of these leased lands would have a preference right in connection with his homestead to carve out of the leasehold an acreage of ten to one, or 1,600 acres of leased lands, would that provision be obnoxious to the interests that you represent and would it lead those interests to oppose such an amendment?

Mr. RICHARDS. I can tell you to-day that there are two gentlemen sitting there who, when this measure first came up, were seriously opposed to it. Three years ago I opposed this measure very seriously myself.

It is frequently said that converts are stronger in their opinions *than those who first favor a proposition*. Mr. Hill and Mr. Modisett

both went to the county seat to find out what a freehold consisted of under the terms of the law, and a legal light there, who was the county attorney, stated that "any kind of a claim was a freehold."

Mr. SHAFROTH. Including squatters?

Mr. RICHARDS (continuing). "Any kind of a claim was a freehold." Mr. Modisett is the vice-president of our association and Mr. Hill is a member of our association, and they immediately said, "We want none of it." Mr. Harris happened to meet them and happened to be in company with a lawyer who used to be the judge on our district bench. The three of them put the question to him. He said, naturally, "A freehold is not a claim, because the Government has never passed its title to the claimant."

Mr. Modisett and Mr. Hill immediately said, "All right, this law is good for us and will cover our situation." The theory was that, supposing Mr. Hill, who has been in the country there for years, had very little to start with and is well to do to-day, and sending his children to school, like all the rest of us, because we are all doing well to-day in that country, every single one—supposing he took up the 160 acres of land, we will say, upon which is hay and grass. Supposing that four men were to come around and surround him in such a manner as that [exhibiting drawing], and you give the newcomer the preference of the lease, what is the good of Mr. Hill's labors for the last twenty years?

Mr. MARTIN. If I understand the force of your illustration, you gentlemen would of course oppose the giving of any leasing rights to future homestead settlers?

Mr. RICHARDS. Until the expiration of the lease.

Mr. MARTIN. The lease is for ten years with the privilege of renewal for ten more, which would be twenty years.

Mr. RICHARDS. If you choose to reduce that leasehold, I do not think there is a man who would object, but there is this: You are to-day the custodians of the public domain, and whenever you give a short leasehold—it has been talked of having an annual lease right—the man who leases that land for a year or for two years or for three years will "skin" it.

Mr. MARTIN. I only wanted to know the facts as you know them. As I understand you, it would be inconsistent with the purposes of this bill, as it has been introduced, to ingraft into it an amendment permitting future homesteaders in any of this public domain that might be leased to have from that time a lease right in connection with their homesteads?

Mr. RICHARDS. Commensurate with ours, no.

Mr. MARTIN. Is there any way in which the settlement of homesteaders within this lease land can be harmonious with the purposes of this lease law, or must the homesteading stop with this?

Mr. RICHARDS. It does not stop. If there are 160 acres of land good for anything, they should be allowed to go in.

Mr. MARTIN. As a practical proposition, should the homesteader come within the area of the leaseholds and take out 160 acres, and have no range to maintain himself and his family?

Mr. RICHARDS. I do not think there are 160 acres of land in that country to-day, that can be taken, that will support a man without some outside occupation.

Mr. MARTIN. Then, as I understand, the future homesteading of portions of this lease land in any considerable area could not be had in case Congress should see fit to pass this lease law in substance?

Mr. RICHARDS. The homestead right would be just as much intact as it is to-day.

Mr. MARTIN. But, as a practical proposition, there would be little inducement for the homesteader to exercise it?

Mr. RICHARDS. I think it would be less to-day, but as a matter of fact in our section I do not think there are any unirrigated homesteads for homesteaders to-day upon which they can live at farming.

Mr. MARTIN. In that connection, perhaps, you ought to take into consideration the entire area. How beneficial this would be to your particular section I can not say, but when we come to apply it to all the public domain we are met with the proposition that 82,000 homesteads were taken in 1901, and they are starting off in 1902 at probably the same rate, and of course we have therefore to consider the homestead question in connection with this leasing question.

Mr. RICHARDS. I think the theory of this lease law should be to lease the grazing lands, not the arable lands; I think that they should not lease the irrigated lands.

Mr. MOODY. I understood your association to have drafted an amendment to Senate bill 3311, which provides that the homesteader might lease ten for one?

Mr. RICHARDS. Up to a certain date.

Mr. MOODY. You limit the date?

Mr. RICHARDS. Yes, sir; but there is not anyone who would be unwilling to see the date brought up to the passage of this bill, if it were not given out beforehand, simply that the legitimate rights of everybody may be respected, and in order to keep the speculators out.

Mr. MOODY. You want to exclude subsequent entries?

Mr. RICHARDS. Yes, sir.

Mr. ESCH. You stated in response to Mr. Mondell's question that you thought the population of that section had decreased. I have the census of 1900 before me. Crook County, Wyo., is the county to which you referred?

Mr. RICHARDS. Yes, sir.

Mr. ESCH. I notice that the census for 1890 gives the population of Crook County as 2,338, and for the year 1900, 3,137—an increase of 800, lacking 1?

Mr. RICHARDS. Yes, sir.

Mr. ESCH. So in regard to that county, it would not carry out the point that was made.

Now, turning to Nebraska, Sioux County and Boxbutte County are the two westernmost counties?

Mr. RICHARDS. Yes, sir.

Mr. ESCH. Boxbutte County had a population of 5,494 in 1890, and 5,572 in 1900; and Sioux County had in 1890, 2,452, and in 1900 only 2,055. Does that carry out your suggestion?

Mr. RICHARDS. Yes, sir.

Mr. ESCH. Cherry County had a population in 1890 of 6,428, and in 1900 of 6,541?

Resolution passed by the American Cattle Growers' Association, March 6, 1902.

We, the American Cattle Growers' Association, in convention assembled, indorse without reserve Senate bill No. 3311, for the leasing of the public arid domain for grazing purposes, and beg our Senators and Congressmen, irrespective of party, who have the welfare of the West and the public economy of the nation at heart, to support and aid this measure, originated for our benefit and relief, with the following amendments:

PROPOSED AMENDMENTS.

Page 2, line 6: Homesteads, on surveyed or unsurveyed public domain, taken up in good faith prior to January 1, 1902, shall be beneficiaries as freeholds hereunder.

Page 3, line 1: Land-grant roads and railroad corporations shall derive no rights as freeholders or otherwise, under the terms of this act. But purchasers of land from such corporations, otherwise qualified by the terms of this act, shall be beneficiaries hereunder.

The above resolution was unanimously passed at the annual convention of the American Cattle Growers' Association, on March 6, 1902.

[SEAL.]

BARTLETT RICHARDS, *Vice-President.*
H. W. ROBINSON, *Secretary.*

Mr. RICHARDS. I want to say in reference to Boxbutte that Alliance is in that county, and the R. & M. Railway Company has built their shops there, and there are about 500 people working in the shops in the railroad employ. They have also built a branch up to Billings, and one west to Guernsey, and one south to Denver, hence the population of Alliance is very large. I do not know how many it is, but it has gotten to be quite a little city. It is only about 40 miles west of where I am, but it has increased the county's population very slightly.

Mr. MONDELL. The time has arrived for the committee to rise. Do you desire further time?

Mr. RICHARDS. I do not wish to ask too much indulgence from the committee, but I have not quite finished.

Mr. ESCH. I move that the committee adjourn to meet Monday morning, April 28, 1902, at 10 o'clock a. m.

The motion was agreed to.

Thereupon the committee adjourned.

COMMITTEE ON PUBLIC LANDS,
Monday, April 28, 1902.

The Committee on the Public Lands this day met, Hon. Frank W. Mondell in the chair.

STATEMENT OF MR. BARTLETT RICHARDS (continued).

Mr. RICHARDS. Mr. Chairman and gentlemen of the committee: On Saturday I made the statement that western Nebraska was being depleted annually in the way of inhabitants. I took the trouble to look into the six northwest counties in the State of Nebraska to find out what had been the increase or decrease according to the census report.

I find that the county of Sheridan, in which I live, had in 1890 8,687 inhabitants; in 1900 it had 6,033, showing a depletion in ten years of 2,654. Sioux County had, in 1890, 2,452 inhabitants. In 1900 it had 2,055, showing a depletion of 397. Dawes County in 1890 had

9,722. In 1900 it had 6,215, showing a depletion of 3,507. Cherry County shows plus 113 in ten years. Boxbutte County shows plus 78 in ten years.

Mr. MONDELL. Alliance is in Boxbutte County?

Mr. RICHARDS. Yes, sir.

Mr. MONDELL. And the town of Alliance, as I understand, has doubled or trebled its size in ten years?

Mr. RICHARDS. It has; yes, sir.

Mr. MONDELL. So that in the agricultural region of Boxbutte County there is probably quite a reduction?

Mr. RICHARDS. There is a large reduction. Alliance in 1890 was practically nothing, and now it has, I am reputably informed, about 3,800 people.

Mr. NEEDHAM. Do you attribute the falling off in population to the lack of a lease policy as having connection with it?

Mr. RICHARDS. I do so, or some control of the range.

Mr. MONDELL. At one time there was quite an immigration into that county of people who believed that they were able to dry farm, and the country is now strewn with the ruins of sod houses.

Mr. JONES. I would suggest that whatever argument might be deduced from those facts would not apply to some other localities—for instance, in the State of Washington, where the increase has been very rapid.

Mr. RICHARDS. This will apply especially to the locality from which I come. I am reporting from that section of the country. As a matter of fact, a great many of our people have gone to the farming countries of Washington, showing that ours is a sterile country, whereas the eastern part of the State, which is a fine corn-producing country, is increasing in inhabitants all the time, and the west end is so poor it is decreasing.

Mr. JONES. Which emphasizes the difficulty of getting a general bill adapted to all these different conditions.

Mr. RICHARDS. Banner County shows the banner reduction. In 1890 Banner County had 2,435 inhabitants, and to-day it has 1,114, showing a decrease of more than half, being minus 1,321.

Mr. NEEDHAM. Is there any available water supply in that section of the State that could be used for irrigation?

Mr. RICHARDS. I am a very strong and ardent follower of irrigation. There is nothing that anyone can say for irrigation that I will not indorse. It is the sentiment of every single man here. You take it along the Platte, in western Nebraska, and along the Niobrara, the Loup, and Dismal, wherever water can be gotten out, and where the lands on the margin of the rivers are not too sandy, you can irrigate and raise fine crops, especially along the Platte.

Mr. NEEDHAM. Is there water available in those counties you have named that could be used for irrigation in this section of the State of Nebraska?

Mr. RICHARDS. There is very little, but—

Mr. COFFEE. It is all being irrigated now that can be by private enterprise.

Mr. NEEDHAM. It is not in the artesian belt?

Mr. RICHARDS. No, sir. By the storage of waters there is no question but what higher levels can be reached in time at a greater expense, *but all that which can be irrigated easily by private means is being rapidly done.*

Mr. MARTIN. About what is the rainfall in that part of the State?

Mr. COFFEE. It is something like 13 inches, is it not?

Mr. JONES. Do you think there are available storage basins?

Mr. RICHARDS. There are along the Platte.

Mr. JONES. I was referring to these counties to which you have referred. I do not know whether they are on the Platte or not.

Mr. RICHARDS. No, sir; there are very few places where you can store water; as a matter of fact, this is a sand-hill country and is known as the sand hills of Nebraska, which extend for 250 miles east and west.

Mr. JONES. Have you many lakes in there?

Mr. RICHARDS. There were originally lakes, and a large number of them, but to-day there are almost none.

Mr. JONES. How do you account for that?

Mr. RICHARDS. You can readily account for that because the herbage has all been eaten off the land and it does not hold the snows in winter or the rains in summer, and the result of the matter is that it runs off as fast as it comes and drains out of the country.

There is no better example of that than there is right in our immediate country. When I first came there there was water almost over every hill. These hills have been shorn by the overgrazing of that country, by the taking out of all the grasses in certain localities, and the general depletion of the range. These figures would show in the counties that I have named that we have lost in ten years, notwithstanding that the people of that country are fruitful—7,689 inhabitants.

Mr. MARTIN. Which are the counties along the North Platte in that western part of Nebraska?

Mr. RICHARDS. I would not like to make a statement, because I do not know that I can name them correctly.

Mr. MARTIN. Do you know the facts as to the increase along the North Platte or the decrease?

Mr. RICHARDS. I will give you the figures for the other counties which comprise the western part of that State. In Deuel County in 1890 it had 8,084 inhabitants; in 1901 it had 10,535. That is along the Union Pacific Railroad and the Platte River. Cheyenne had 5,697 in 1890 and 5,570 in 1900, showing a loss even there. In Scotts Bluff County there were 1,888 in 1890 and 2,552 in 1900. In Keith County in 1890 there were 2,556 and in 1900 1,971. So you see on an average even in those counties they are at a standstill or at a loss.

Mr. MARTIN. Do you know from your own knowledge what the fact is since the census of 1900, the last two years for example, as to whether the Platte River counties are increasing or decreasing?

Mr. RICHARDS. I am just giving those.

Mr. MARTIN. I say, for the last two years.

Mr. RICHARDS. I believe they have decreased rather than increased.

Mr. COFFEE. Except where the Burlington and Missouri River Railroad has built.

Mr. MARTIN. There was a spur of the B. and M. put in there?

Mr. RICHARDS. Yes.

Mr. MARTIN. And it was settled up quite rapidly?

Mr. RICHARDS. Scotts Bluff County showed an increase from 1888 to 2,550. That is where that 700 increase comes in.

Mr. COFFEE. Those towns have sprung up all along the line.

Mr. RICHARDS. I wish to state in this connection that I notice in

the New York Herald, of yesterday, an article which purports to come from Senator Gibson, of Montana, and which is quoted as follows:

The big cattle-ranch interests get the support of the big packing-house industries morally, financially, and politically, and no State government as now constituted in the West can stand before the pressure which can and is brought to bear in favor of the big land monopolies. The State governments, at the dictation of the big live-stock interests, now use their power to the utmost to put the public lands into big holdings for the benefit of the favored few. The cession of the Federal lands to the State or the leasing of those lands to the big cattle interests will result, in Montana at least, in half a dozen men controlling the whole State.

It goes on further and says:

The beef trust is opposing the national irrigation bill, because the passage of this bill would mean the breaking up of the great cattle ranges.

It goes on further and says—

One of the cattlemen, now in Washington, working in the interests of the leasing bill and against the irrigation bill said to-day, "Beef is high, thanks be to Providence, and stockmen want to see it stay that way. Everybody in Montana is glad to see them making money, for they are the salvation of the West. Long live the "Big Four."

In another place it says—

This leasing bill now advocated by the beef barons, who, as Senator Gibson says, can get financial backing to an untold amount from the beef trust, is against home building in the West and the increase of the beef supply.

I do not believe there is a man from the West here, that there is a man in this room, or a man in the House of Representatives or Senate who believes that this delegation is backed up by the beef trust financially, politically, or in any other way. As a matter of fact, it must occur to you that the interests of every man here and everyone that we represent (for Mr. Modisett here represents over 350 men in western Nebraska with holdings not to exceed 500 head each, and he is the vice-president of the Nebraska Cattle Growers' Association)—it must occur to you that the interests of the trust are diametrically opposed to our own. We are the producers of beef. Does it occur to you that as the producers we want some one to stand over us with the sword of Damocles and tell us where to stop, what profits we should have upon our stock? Why, it is perfectly ridiculous.

Mr. MONDELL. Have you ever heard of any cattle organization in the West opposing irrigation? I am anxious to have the point brought out because certain gentlemen have taken it upon themselves to spread throughout the country information, or misinformation, along the line of the article you just read to the effect that cattlemen were opposed to irrigation. I have never heard of anything of that sort, have you?

Mr. RICHARDS. I have never heard anything of the kind. Not only that, but you can find in every cattleman in the district from which I come the most sincere wish, and the most urgent wish, that everything should be done for irrigation that is possible. These reports which are gotten up are gotten up by men who have no interest in cattle and very little in irrigation.

Mr. MOODY. In my district the cattlemen are the most enthusiastic irrigators we have.

Mr. MONDELL. Is it not a matter of fact all over the irrigated country that the stockmen have been the men who have done the most *toward pushing forward* the work of irrigation?

Mr. RICHARDS. There is no question about it. Places where water can be gotten out from a creek or river or lake it has been done, especially where the expense has not been so great but what a private individual could accomplish it. This has been done for the following reason: The raising of cattle successfully is dependent entirely upon the hay which is accessible. The hay and the water are the two elements which are absolutely necessary. The raisers of hay and the raisers of forage upon irrigated lands are dependent in the other ratio on the raisers of cattle, and they themselves must need have areas connected with their irrigated land whereon they may range their cattle, which they may feed in winter, and to which they may feed their crop.

In western Nebraska, as I told you the other day, we raise a large amount of hay in the limited valleys. It is absolutely impossible to increase that in the sand-hill district. You can not irrigate there; you get the hay simply where God or nature has given a subirrigation of water under the grass roots to make that hay, for we do not have the rainfall.

Mr. MARTIN. Taking it through that region of country, is it not true that the capacity of the country to support stock by summer range is considerably larger than you can hope to support on the ordinary winter range, so that the problem of increase winter forage if successfully carried out means increasing the number of stock you can keep on that country?

Mr. RICHARDS. No, I do not. I think that the present amount of hay that we have will probably suffice for all the cattle we can raise there on the summer range, if the public domain can be controlled to the end that pastures can be saved and rotated for additional winter feed.

Mr. MARTIN. Then you do not think that the cattle industry would be benefited by increasing irrigation and increasing the forage?

Mr. RICHARDS. It would along the streams; I thought you referred especially to the sand hills.

Mr. MARTIN. I am referring to the general cattle country west.

Mr. RICHARDS. Wherever the irrigation can be brought out you can increase the amount of cattle to be raised to the limit of the outside range.

Mr. MARTIN. Is it not true throughout the general range country that there are thousands of stock lost in winter storms that, if irrigation could be considerably increased, might be saved to the industry?

Mr. RICHARDS. That is true; yes, sir.

Mr. JONES. Do you not think it also likely if the irrigated territory could be considerably increased throughout the arid country, for instance one acre out of ten, that would likely increase the rainfall over that general area?

Mr. RICHARDS. I am not sufficiently a scientific man to tell you.

Mr. COFFEE. That is what a great many settlers said when they first came out there.

Mr. RICHARDS. I do not believe the rainfall is going west, increasing westward—

Mr. JONES. It looks reasonable to me.

Mr. RICHARDS. I have only lived twenty-three years in that country, and I have seen it decrease rather than increase in my experience.

Mr. MONDELL. As a matter of fact nothing has been done to increase the rainfall in that country, the old theory being exploded that the

rainfall was moving westward by some mysterious edict of Providence to keep pace with the demands of home seekers. Of course there was no foundation for that, but is not it generally held throughout the Western country that the building of storage reservoirs and the carrying of water from the rivers onto the land so as to vastly increase the evaporation will in the course of time, if carried out to a very considerable extent, increase the annual rainfall, the annual precipitation throughout the whole country?

Mr. JONES. It looks reasonable.

Mr. RICHARDS. I hope so.

Mr. MONDELL. Of course, the old theory of the westward movement of rainfall had no foundation, because it was not founded upon any scientific theory.

Mr. RICHARDS. In our country they have come out there and taken up farms for years past on the theory that the rainfall was traveling west. The farmers in 1886 started in with reapers. In 1887 they got headers. In 1888 they got grubbers that they might get their seed back, since which time I think no red farm machinery has been sold or bought in that section.

Mr. ESCH. The growth seems to be downward?

Mr. RICHARDS. Yes, sir.

Mr. COFFEE. I ran a reaper at one time, and since then I have been taking the bolts off of it for repairs on other machinery.

Mr. JONES. We can cite just the contrary in our State. Land which four or five years ago was considered absolutely desert now produces 35 to 40 bushels of wheat to the acre.

Mr. RICHARDS. I can not emphasize too strongly the fallacy, the utter fallacy that there is in any single cattleman's heart or mouth whom I know one word to say against irrigation, but there is a most hearty cooperation of every cattleman in that country for irrigation.

Mr. JONES. That is true in our State.

Mr. RICHARDS. And it will be demonstrated, as every year goes by, a law for some provident and helpful disposition of the public domain under lease law or a grazing right or something of that kind is absolutely necessary, and if it does not come to-day it will come very soon.

You can not pick up a paper but what you find something in it. As I came up here on the car to-day I picked up the New York Herald, and on the first page, "Troops ready to quell Kansas war; farmers and ranchmen in armed conflict over grazing privileges." Every day, if you will notice it, from this time on you will find something of that sort in this free country where we are supposed to have the best of laws and the best social conditions. I have shown you here the depletion of western Nebraska; that the people are leaving our country and going to Canada and elsewhere where they may get sufficient protection for their homes and families. But I will tell you just as the irrigator is improving the West so have the cattle industry and the cattlemen of the West, whether they call them barons or small cattlemen or any other name.

They have improved it to such a degree that when farmers have deserted it the cattlemen have brought about the occupation and the useful settlement of our country which is arid, devoid of water, and which until storage reservoirs were made for the watering of cattle was impracticable for any use. Relative to this trouble about the *beef combine and the beef trust*, I can not emphasize it too much that

it is absolutely inimical to our interests, and you will find that the shortening up of the area of grazing lands and the overrunning of this range by flocks and herds is the element which is raising the price of beef—and not until the grass beef comes into the market this year from these ranges will you find the price of cattle going down, unless from some artificial source.

I believe myself that the beef combine which has hurt and will continue to hurt our interest so long as it exists covets an opportunity for an investigation now which five years ago they would have fainted at, because when they are buying our beef at 3 cents a pound and selling it for 10 cents, there is where the beef trust comes in; there is where the price is raised for the consumer and the workman and the rich man and everyone else. But to-day, when beef is high on account of the high price of corn last year after the drought, when the feeders of corn preferred to sell their corn rather than to buy cattle to which to feed it, you find yourselves this spring in the condition of having almost no corn-fed beef cattle on the market. Therefore the prices are high, and to-day is the day of all days the beef trust want this hue and cry to come up.

MR. COFFEE. We have to-day steers we should have marketed last fall.

MR. MONDELL. You think they are making less profit now than in ordinary years?

MR. RICHARDS. Certainly; when there is plenty of cattle on the market then they can hold their hands upon our throats.

MR. JONES. Prices have risen on account of the scarcity of supply?

MR. RICHARDS. Yes, sir. If Congress would make this investigation when cattle are low and find out what they make, there is where they would read the true secret.

I present to this committee the petition of over 2,000 men in our section of Nebraska, every one of them interested in the cattle business, asking that an equitable lease law shall be passed for our State.

MR. JONES. Do you mean all these people are cattlemen.

MR. RICHARDS. Either cattlemen or dependent upon the cattle industry.

MR. MONDELL. There are business and professional men in that region who also signed that petition?

MR. RICHARDS. There are, who are dependent upon the cattle industry.

MR. ESCH. One question. The homesteader's right is one that must be safeguarded, of course; that is one of the main things in the bill. Under the bill a homesteader takes a homestead.

As a rule he is a poor man, and under the bill he is allowed a zone of leasehold. He is ordinarily too poor to fence and too poor to herd. If he can not do either he is subject to trespass; can be taken up in the courts and fined. Will not that state of facts amount practically to him to a notice to move on?

MR. RICHARDS. I doubt if you will not find when he comes into that country to take up a homestead and to take up a lease that he has some cattle to put upon it. If he has the cattle to put upon it he will find the fencing of his small zone is far more economical than to herd them. Without his fence he can not borrow a dollar upon his herd. He can not now and he could not then. But fenced, he can borrow upon that herd to build his fence.

Fencing only cost in times gone by, until the wire trust has gotten hold of us, about \$50 a mile, including the labor, and if the man puts it up himself he saves the labor. The poor man can do that, and is glad to do it. If this were a farming country it would be different; but I have gone into a good many facts here to show you in the most honest way that the conditions in our country are such that they do not hold out any inducements for the farmer, but they do for the herdsman. In these petitions which I have presented here to-day and Saturday there are not less than 10,000 names represented by resolutions of the different stock growers' associations and by individual signatures. I believe that this will show you there is a movement on the part of honest cattlemen to have some basis which can be legal, which can be obtained for the peace of the country, for the homes of the country, and the building up of the country.

I will say just here with a proper leasing law, if it is transferable, I believe that the holdings will decrease rather than increase. I thank you, gentlemen.

Mr. MONDELL. Mr. Harris, do you wish to address the committee on this subject?

STATEMENT OF MR. E. C. HARRIS.

Mr. HARRIS. Gentlemen of the committee, I think Mr. Richards has covered the ground fully, but I just want to say one thing, that I have lived out in that country about fifteen years and I know something about the conditions. I want to say we are not here in the interest of any trust; paid by any trust. We paid our own fares, our own expenses. I indorse everything that Mr. Richards has said. I am in favor of the leasing of grazing lands in northwestern Nebraska. We have all tried to farm and we have all gone broke. We are trying now to build up the cattle industry.

The more you investigate it the more you will find that it is the only practical solution of the disposition of the grazing lands in that section of the country. Something has been said about it being a detriment to the small ranchman. I am a small ranchman myself. If I did not believe in it heartily I would not be here advocating it to-day. I think Mr. Richards has shown you how the small man is equally protected with the large man. I believe it is the only solution of the whole question.

Mr. JONES. What do you call the small farmer?

Mr. HARRIS. The man who has 500 to 1,000 head of cattle.

Mr. JONES. What about the size of his farm?

Mr. HARRIS. I am not speaking of farms, I am speaking of grazing lands. If this was an agricultural country where a man could support his family on 160 or 480 or 1,280 acres, it would be a different proposition entirely.

Mr. JONES. In other words, you think there is no possibility of homesteading there?

Mr. HARRIS. None whatever.

Mr. MARTIN. Is your judgment practically the same as Mr. Richards as far as western Nebraska is concerned, that the conditions are such that if a bill of this kind was made, that the leasehold would practically and necessarily go to the settlers and inhabitants of that section *who are there now?*

Mr. HARRIS. Yes, sir.

Mr. MARTIN. Of course that would necessarily, I take it, prevent other settlement of any considerable number in that particular section?

Mr. HARRIS. It would, likely.

Mr. MARTIN. In localities where there are still lands sufficiently agricultural to attract large numbers of settlers, would you or would you not consider this sort of lease law would be applicable or wise?

Mr. HARRIS. I think where in States for instance like South Dakota, with which I am familiar, as you know, where you raise some wheat and oats and the smaller grains, that these leases in localities would not apply, but where the condition of the country is purely a grazing country, where there are no agricultural features about it, there certainly can be no objections to a lease law. That is all I have to say.

STATEMENT OF MR. WILLIAM FERDON.

Mr. FERDON. Mr. Chairman and gentlemen: Assuming that everything that has been said here up to the present time by Mr. Richards and by Mr. Harris—and I will add very ably said—be true, the question is, What is the remedy to be applied? Now I presume whatever the result of the deliberations here, some seed has been sown which, if not at this time, at some future time will bear fruit, and I understand there are already in contemplation one or two bills bearing on this subject that will be presented to this committee for its consideration.

Mr. JONES. You mean different bills from what we have already before us?

Mr. FERDON. I should not wonder. I mean to say perhaps with the omnibus part eliminated and applying it to, we will say, a part of the country of such character as the sandhills of western Nebraska.

Mr. SHAFROTH. By way of an experiment?

Mr. FERDON. Yes, sir. In other words, try it on the dog first, and if it works well there it could be extended to other parts of the country where these conditions are somewhat similar to what they are there. Now I want to state if I can what kind of a country we live in, and how it came to be the kind of a country it is. There were one or two rainy years along in the eighties, I think in 1886 or 1887, which induced quite an immigration into that country of people who were positive and quite sure that the climate had changed, that the rains were to be plentiful and bountiful where prior to that time they had been sparse and scattered over a long interval of time; so numerous homesteads were taken up in that country.

Well, between the soil blowing away—which after all is one of the main reasons why that country is a desert to-day—you take up the sod and, once uncover the soil, the high winds come along and start a little eddy here and the first thing you know it takes the whole of it away and carries it off into the next quarter-section or the next county.

Mr. MONDELL. It is true that in the majority portion of that country valuable hay land is valueless when once the sod is taken off?

Mr. FERDON. Yes. Taking the sod off the meadows means its total destruction, and I suppose it will be years and years before that will be covered again with sod bearing the proper kind of grass, and in the meantime will be blowing away and perhaps blowing on some other land which is perhaps valuable.

Mr. JONES. It takes a long time for grass to grow if taken off entirely?

Mr. FERDON. Yes. First it would have to go to weeds and then perhaps the Canadian thistle would get in there and occupy it for a number of years; then you would see sand burs coming up, and then a kind of very tough hardy bunch grass which cattle will hardly eat, and it would gradually come back a little, getting better and better until eventually—perhaps in twenty years—you will have that country sodded over again, but never, I think, even in that time what it was at first.

Mr. ESCH. Will close grazing bring about that result?

Mr. FERDON. No, not unless it is entirely tramped out. The grazing does not do so much damage, by cattle at all events, as the tramping of the hoofs upon it, which destroys the grass roots there so that the wind can get to work on the soil.

Once that starts the grass roots are exposed and you have these little blow-outs starting, which increase and increase. The high winds and light soil, aside from the rainfall, almost have caused western Nebraska to be a sterile country unfit for farming purposes. I was going to say these homesteads were abandoned. Many that borrowed on their property anywhere from \$500 in many cases up to \$1,500 and \$2,000, on a quarter section, were abandoned and turned over to the trust companies, and very many of them have been abandoned absolutely without any money being borrowed at all, but the people went away and left them.

Now, quite a number of people looking for better winter protection came in the sand hills and looked that country over the past four or five years with the idea of making some more secure winter protection owing to the amount of hay raised there, and they saw these tracts up in the country in which these abandoned homesteads were as they had been left and the old sod houses that the people had left, and they said, "I will buy these hay portions where those were upon these old homesteads, and in order that the man who owns it may get something out of it, and in order that he shall feel satisfied about it if we put a fence around this country I will buy him out for a price," and that has been done largely; so those two classes of land have passed into the hands of the holders.

The valley land and hay land on which they get their winter feed are in strong hands; hands strong under the present conditions, but they will be very weak if our fences come down. Now, we ask that what is left of that land, the sand-hill pasture we have to lease, not because we want to pay for something for which we have always had the use for nothing, but because the time seems to have come when the question arises, what shall we do to be saved, so we are here with this leasing bill to-day. Now, I have asked you, or I shall ask you, in the consideration of any bills which are introduced or may be introduced here, not to lose sight of the interests and the safeguarding of the man who is on the spot, the man in possession, the man who has the property, interested in that country, who has built up that interest through perhaps ten or fifteen years of hard work, and the smaller he is the more defenseless he is unless you are very careful in the framing of your bill.

Now, it has been suggested by many people, why could not a man with 160 acres, who in the future may come into that part of the country, why should not he have the 10 acres to 1 the same as you have? If he takes 160 acres on the pasture why not give him a lease

of 10 acres for each 1 of homestead as well as you have it yourself, and it is for this reason. Let me now show you what a hardship that would work. For instance, I have in mind two quarter sections that have good hay land occupying, you might say, a wide basin. On those two sections of hay land probably 500 tons of hay are cut. On the east it runs to a higher valley where the grass is shorter and on the west it runs off into the same kind of country, and to the hills on the north and the northwest that have but little hay, but affords winter shelter for a man's cattle.

Now this zone is occupied by a man who has his cattle there. In the winter time they are brought up near his pasture fence and whenever a storm comes they are put in these hills and hay is carried out to them and other things, and as it is it now works like a charm. There are hundreds of sections over that country exactly like it. Suppose a man with 160 acres of land may take 1,600 acres of pasture. Say, for instance, I have a covetous eye on that piece of land. I can not buy it because it is valuable, I have to pay more money for it than I think I can afford, but I can see a way in which I can get it.

I will go and get four or five cowboys to make a filing around that man, one to take a strip running into the hills where he feeds his cattle, another take a strip to the south, say a mile long, another one take a strip to the east or west and surround him, and there I have five or six claims taken in that way, each one costing \$14 for filing. That is all the investment it represents, and each one carries with it the right to lease out of that man's leasehold 1,600 acres of land—each one of these filings—and that makes five or six times sixteen hundred.

This "encroacher"—because I can not call him anything else—this encroacher, now see as a result, could have taken and entirely occupied these hills, which he has taken outside of this zone, if he please, and this man is surrounded by a great zone of land which belongs to somebody who is inimical to his interest, and he must go outside of that with his cattle. He has got to haul his hay off his immediate land and take it perhaps 3 or 4 miles outside of this zone to feed these cattle, 3 or 4 miles away from his ranch. No man on earth could stand it or would stand that. That is the kind of thing that makes men commit murder; do you not know this?

Now, it has been suggested that 1,200 acres of this poor land was none too much for a man to have. He would be just three times as bad off with 1,200 as 160; that is what it amounts to if that was the homestead, and with the power and with the right he would be just as much a menace to the man in possession, this man I was speaking of who occupies a little base here. Suppose he had that right to homestead 1,200 acres, I do not know what it would stretch out into, but probably two or three miles, and it would come right across this man and his zone half a mile wide. Somebody says that he would raise winter feed and take care of your cattle for you. Where is this man coming from?

He may come from New York City and may not know any more about cattle than I do about New York City, and we can not turn our cattle over to that kind of men. Besides he has no winter feed for taking care of them. There is nothing he can do for us; he can not raise winter feed or help us in any way. Now, you will see, I think, from my remarks that this is a subject that can not be too carefully

considered, and I do not know what the remedy is unless you can take the best parts of this bill here, and if the price per acre is not satisfactory, if you want the land classified, why it seems to me that those are about the only changes——

Mr. ESCH. Do you think it possible to have a system of classification?

Mr. FERDON. I think so. I do not see what good it will do because you will classify it as first, second, and third land, and you find that the first and second is all owned and the third is left and we put it at 2 cents an acre and that is all it is worth. These sand hills in western Nebraska require 30 acres to carry a head of stock through the grazing period. Now, if some remedy is not applied, it simply means these herds, these well-bred herds that men have been building up for years and years, have got to be dispersed, to be scattered.

There is not any place to go with them unless we take them to Canada. I do not know what the troubles and trials may be in getting them into Canada; there may be high duties. It is a long distance, a long haul by cars or a long drive if they have to go across the country, and the thing hardly seems practicable, so I suppose it will eventuate in the cattle being thrown into the congested market of south Omaha, and instead of bringing a fair price upon that glutted market it will bring probably one-third of its actual value because they will go in just as if they were being driven in by drought.

Mr. JONES. Was this bill drawn with special reference to western Nebraska?

Mr. FERDON. I think not. It was drawn by a committee of ranchmen who represent pretty much the whole country, in the different parts of the country. If you let the thing go from bad to worse and our fences come down that country will be ruined. There will be a few men left in it, as there is always a survival of the fittest, but a majority of the people will have to go out of there, and it will send undoubtedly some of your best citizens across the line into Canada, as numbers of families have gone already and others are making preparations to go in case the fences have to come down.

The price of cattle worth \$30 to \$35 a year or two ago has dropped to \$20. Of course, it will go still lower in case the fences should have to come down. That represents a great loss. Now, I would not venture to say how many thousands of families are dependent absolutely and entirely on cattle in the sand hills region, and where there is one man who has got a thousand head there are fifty who have not as many as two or three hundred.

Mr. JONES. You use the word "ranchmen." You do not mean necessarily the homesteader, but cattlemen?

Mr. FERDON. I mean a stock raiser.

Mr. JONES. In our country we speak of it as a ranch if it is only 10 acres.

Mr. HARRIS. There is quite a distinction.

Mr. JONES. And I wanted that made plain.

Mr. FERDON. I am speaking altogether of the stock raiser in my section of the country.

Mr. JONES. That is what I inferred.

Mr. FERDON. As far as the agriculturists go, they are together on some little table-land, a little pocket farming, and very well able to

take care of themselves, but they do not remain there long; it is sporadic, and they last two or three years and the soil blows away and then they gradually go out of the business. Others of course sometimes take their places, but it is not a country in which farming can be carried on successfully.

This country has got to wake up to the fact that it must offer a counter inducement to the inducements of Canada, for instance, which it is holding out in the way of leasing control of land suitable for grazing purposes and for grazing purposes only, and it is making it possible for people to get land of that kind in tracts where each man could have a zone about him which he could control for grazing, where he can make provision for the winter by cutting hay. Now, we have got to wake up to this fact; otherwise we are going to lose some of our very best citizens. They have already gone in large numbers to Canada. Canada already makes the boast that she will have 40,000 American farmers this year.

Mr. ESCH. Are the conditions such that they can compete with us?

Mr. FERDON. Oh, yes. They do not stand around and talk about things in Canada, but have waked up and are going ahead—

Mr. ESCH. I spoke of the climatic conditions of Canada.

Mr. FERDON. I do not think they are superior. I do not see why they should be. The grass is finer there—much better grazing; I suppose that is true.

Mr. COFFEE. They are allowed to lease lands in Canada, so that each man may have a zone of country about him which he controls, and there is no reason why he should not have it. The stockman must have it—that is, if the beef industry is of any value whatever to the country.

Of course if you do not care anything about beef or the protection of it, and you say, "Why, let the whole thing go," very well; that is one thing. But you are going to get up against a proposition where you will have to conserve the cattle interests of the country, and it will not be very long before your eyes will be opened to the fact that beef is going to be a luxury in this country. The places where you can put cattle and keep them at a possible cost are getting very scarce and more limited every day, and the destruction of the free range from overstocking is going to hasten matters very much more rapidly in the future than in the past.

Now, we are friends of irrigation because it helps our business. In Nebraska, in the part where I live, hay could be bought three years ago at \$1.50 a ton. This last winter we have been obliged to pay \$3.50 a ton, and then everybody did not have what they wanted, and a good many people took the chances of wintering the cattle on the open range; and there are in my immediate section of the country more cattle than can be properly looked after in the winter time. If irrigation is not possible in western Nebraska, it is elsewhere. The ranchman looks to the irrigator for his winter feed, and that is where he will get it in the long run. And so from a business point of view we are friends of irrigation.

I feel that I have already taken up too much of your time, and I thank you very kindly for your interest and attention.

STATEMENT OF MR. C. F. COFFEE.

Mr. COFFEE. I do not think that it is necessary for me to run over what my friends have already told you; I only indorse what they have said. I would like to tell this committee, however, in regard to myself, not being hired and brought down here for the purpose of advocating this cause. I will say that we have all had to pay our own expenses, with no prospect of getting the money back. It has been purely a voluntary matter on our part. So far as my being a big land owner in Nebraska, I am not; and under this lease law I can not take up any land—not more than 500 acres, anyway. But I have a very fine ranch in Nebraska—an irrigated ranch. It has cost me over \$15,000 for improvements and ditches. I also have one in Wyoming—900 acres.

I irrigate there by a private ditch. Of course I am interested in Nebraska in other business. It is necessary to look out for the stock interest and see what the country is good for. I realized a good many years ago that we can not use a country for what we want, but we have to use the country for what it is fit. This country is fit for stock, and absolutely stock alone, and I think that this irrigation problem is the only salvation for that country. It is necessary that we should improve that country by every means of irrigation, and it can be done, to a certain extent, by heavy expenditures. I think that all the private enterprises have been invoked in regard to damming up little streams and hollows.

A great many of them are doing that, and in Sioux County there are perhaps 50 or 100 small ditches, and they all make a success where they get water. The land is rich enough; all we lack is the water. I think the men who have been out there from the early days—who went out there and have lived among the Indians—ought to be protected; that there ought to be some law provided for the stock interests of that country, and this homestead act of 2 sections of land, or 1 section, to the homesteader, I think, is all wrong, because it will result in blackmailing schemes, for all the land there that can raise a particle of hay has already been taken, and, as Mr. Richards has stated here, all this adjacent land is only very sparsely covered with grass, and it takes 25 or 30 acres to feed one animal.

As the other gentlemen have gone over this whole matter, and as I indorse it heartily, there is no necessity for me to run over a whole lot of it again, as the committee has the whole business well in hand.

Mr. MONDELL. Is there any other gentleman who would like to say anything?

STATEMENT OF MR. A. M. MODISSETT.

Mr. MODISSETT. I can not say anything, except that I indorse what these gentlemen have already told you, and I think what they advocate is the proper thing for our section of the country.

Mr. COFFEE. I desire to say that I only own 400 cattle in Nebraska.

Mr. MONDELL. How long have you been in the West?

Mr. COFFEE. Over thirty years. I am what you call a "cow puncher"—a thoroughbred.

Mr. FERDON. I have spent the greater part of my life in Nebraska; *it has been my home.*

I have not been fortunate enough to become so large an owner of cattle as the newspapers have said, so that I could go abroad, or live in New York on the interest of my money. I do not think that the owners of cattle expect to do that. If any of them do, I do not know where they live.

STATEMENT OF MR. DANIEL HILL.

Mr. HILL. I do not think it is necessary for me to say anything, except that I heartily indorse everything that my friends here have said, but it does not seem to be necessary for me to repeat anything.

STATEMENT OF HON. B. S. RODEY.

Mr. MONDELL. How much time do you desire, Mr. Rodey?

Mr. RODEY. I do not care to be heard at any length.

Mr. MONDELL. I want to say that there are three or four bills that the committee is very anxious to take up at this meeting, if we can secure a quorum, and so we would like to have a little time before 12 o'clock.

Mr. RODEY, I will only take five minutes.

I have not anything particularly to say, except that New Mexico has more unappropriated public domain than any other section of the nation, and therefore, as to the leasing question, would naturally be very much interested.

Our country is largely a sheep-raising country as compared with the cattle industry. While the cattle industry is very large, the sheep industry is much the larger. It might be well to state that the central-western portion of the Territory and the eastern portion are strictly cattle sections. There are a few cattle men in New Mexico who are in favor of a lease law, but the majority of the people of New Mexico are overwhelmingly against a lease law.

Mr. MONDELL. Do I understand that the sheep men are all opposed to any sort of leasing legislation?

Mr. RODEY. They are in New Mexico; yes, sir.

Mr. MONDELL. On what ground?

Mr. RODEY. As near as I can understand it, on the ground that the present conditions suit them well. A large part of the grazing lands of New Mexico are of such a character that they are not good grazing grounds at all times, and therefore it is necessary for stockmen to have a right to move around at times.

Mr. MONDELL. As I understand their objection, then, it is that inasmuch as they are using the range now without any payment they do not care to pay for the privilege of using it?

Mr. RODEY. That is probably one objection; but the main objection, as it is set forth in this compilation of discussions which I have here and will submit, is that the larger cattlemen will at once get control of the range to the exclusion of the small sheep men and the small cattle men.

Mr. MONDELL. Just how do they understand that under a leasing bill, which Congress might pass, a cattle man would be more likely to secure a leasehold than a sheep man?

Mr. RODEY. I can probably answer that question best, Mr. Chairman, by reading a letter I have right here, which presents the two sides of the lease law. It is dated at Roswell, New Mexico, November 6, 1901, and is written to the New Mexican, a newspaper published at Santa Fe, N. Mex. It reads:

THE TWO SIDES OF A LEASE LAW—STRONG ARGUMENTS IN FAVOR OF A NATIONAL LEASE LAW ARE ABLY ANSWERED—NEW MEXICO'S POSITION—THE MAJORITY OF ITS PEOPLE ARE OPPOSED TO A LEASE LAW, BECAUSE IT WOULD KILL OFF ITS SHEEP INDUSTRY AND WOULD HURT ITS GOAT, HORSE, AND CATTLE INTERESTS.

[Special correspondence New Mexican.]

ROSWELL, N. MEX., November 6, 1901.

The New Mexican, always being just, even to those who oppose its views, will undoubtedly give place to the following defense of a national lease law, by a prominent stockman of Chaves County. This stockman says:

"The large cattle man can do without drift fences, because if their stock drifts 75 to 100 miles south in the winter, they do not feel the expense of fitting up round-up wagons, hiring men and bringing the stock back in the spring. But a small cattle man can not do this. His calf crop would not pay the expense of the round-up wagon and men. The large sheep-owners do not want drift fences or a lease law, because they want to drift their sheep from place to place without going to the expense of developing water or paying for the grass. The large cattle owners do not live among us, nor the large sheep men either, as to that. They do all they can to dodge the assessor and tax collector and contribute as little as possible to the counties and Territory. The cattle men with large numbers of cattle will not, or many of them will not, allow small cattle men to work with them, and thereby they are keeping the small cattle men out of the country, which they wish to use.

"If the National Government would lease the public domain, say for a period of ten years and subject to the homestead and desert-land act, to, say, from 1 to 2 cents per acre, according to quality of the land, and allow no one to own or in any way to control exceeding 5,000 acres, and allow the present occupants of the land the first privilege of leasing, it would work a great benefit to the Territory and to the counties and towns, as the country would then fill up with small cattlemen and stockmen generally who would help to support our schools, towns, and county governments, as well as the Territory.

"The work of leasing the lands could be done by the different land offices at little additional expense, and after deducting the expense, if the remainder is donated to the school fund in the different counties, we would have the best school fund of any Commonwealth, except, perhaps, Texas, and we would equal that State in that respect.

"I know that the New Mexican has a great influence and I know that it is fair and is ever working for the benefit of New Mexico. I know it will continue to advocate such measures as will benefit the masses, and I ask, therefore: Why should the National Government furnish the large stock owners feed the year around for their immense herds of stock? I am willing to pay for my herds and their forage, and every small stockman—I mean sheep and horse man, as well as cattleman—is willing and anxious to do the same, thus while really protecting their own interests, also helping along the school fund, increasing the assessment in each county, raising the value of lands in the Territory, developing a more abundant water supply, encouraging permanent settlers to come in, build homes and to invest in New Mexico, and increasing the population and the wealth of the Territory. Certainly, New Mexico should favor such a lease law."

This is the reply to that letter:

The above letter from a Roswell stockman is probably as fair a presentation of the national lease-law question, viewed from the standpoint of a believer in a leasing plan, as is possible to be made. It is temperate in expression, and is evidently the opinion of a man with a conscientious belief in the merits of the proposition which he advocates.

But with all due deference to the gentleman's faith and sincerity, a careful dissection of a national lease law and a study of its certain effects upon the immense livestock interests of the great West, can not fail to demonstrate that it would prove disastrous, and applied to New Mexico would blight the Territory's largest and most valuable industry.

A close reading of the letter will show that its trend—perhaps unconsciously—is more to show a controversy between the sheep and cattle interests than to portray how New Mexico and citizens thereof engaged in the live-stock business are to be benefited by a leasing of the public domain.

Aside from the setting forth of the financial conflict of interests mentioned, the Roswell writer devotes his letter to a plea for the small man.

Arguments are sometimes more effectively answered by interrogations than by any other means. In point, then:

If, as the Roswell writer asserts, the small stockman is to be the chief beneficiary of a lease law, and, as he covertly holds forth, the big man is to be damaged or have some present existing privileges taken away, why is it that the syndicates and the big men are the ones urging and working for the passage of a leasing bill and the voice of the small man is seldom, if ever, heard in its favor? If it is to be a good thing for the little man and a less beneficial condition is to result to the large owner, why is the latter not opposing it? Why have the big outfits become so suddenly solicitous for the welfare of their smaller neighbors?

Why, if it is to be a bill for the small man, were the delegates appointed by the American Cattle Growers' Association to meet in Denver on the 20th ultimo, and frame a bill for presentation to Congressmen, whom the public press reporting the proceedings of that meeting mentioned individually, and referred to them without a single exception as "large" cattlemen, or as representing the "largest" stock concerns of the country?

In brief, the reply is that it is not the future of the man with a few head of stock that arouses the interest of the large stock corporations, but it is their own future and their own immense interests they view trebling in the balance.

Take it in the gentleman's own home counties—Chaves and Eddy. There the small man is coming in, is invading and taking an equitable portion of the large grazing tracts heretofore controlled by a few companies. He is coming in fast, too, and it is the sting of this rapidity that impells the "large" owners to cry out for a lease law that this aggression, against which they are now powerless, may be checked.

The little man has no need, nor is he asking, for a lease law. He is doing very well under present conditions, thank you, and if the Roswell writer has in truth the best interests of the small owner at heart, and seeks his success, then the greatest service he can render his ward is to pray and labor for a continuation of present conditions, for under it the country is being reclaimed from the sway of the syndicates and large companies; what once was the range of a single outfit is now dotted with the windmills of the men with a few hundred head of stock; population is increasing; taxable property being added—and the little man pays on every head, while the big man dodges; towns are feeling the effect of the increase of trade that flows from the coming in of the little man, and where once was lethargy is now energy and enterprise.

This wave of settlement and progress is flowing without the propelling force of a lease law; then, if a leasing plan would further add to the benefits and advantages of the little man, would not the "large" companies be entirely wiped out?

Are the men who compose the latter of such a philanthropic nature as to work for the destruction of their own interests?

The answer is obvious.

The small men by combining and running a wagon or outfit can gather their cattle just as cheaply as the large companies, and will do so. If the big men are barring little owners from their wagons, it will not be for long; the day of the big man, "the king," if you please, will soon be over.

The small revenue that would result to the Territory from leasing fees can not weigh in the scales against the damages that such a bill would bring about. An honest and proper rendition of the stock owned by the big companies and the payment of their just proportion of taxes thereon would to-day result in as much revenue to the Territory as would ever issue from a lease law. Honest rendition will bring greater and quicker revenues than a lease law.

As to drift fences, the section of the Territory where they are maintained in the greatest number is offering no objection to their maintenance where the number is reasonable and they are constructed in a proper manner. The danger from them arises in that they lead to constant aggression upon the part of the owners, to the ultimate end that they are converted into pasture fences and thus permit certain men and companies to monopolize the range and shut out settlers and other men possessed of equal rights.

But whether the fences remain up or come down, the stock industry will continue, as it is now, New Mexico's chief industry. If the fences are demolished on the plains in the southeastern part of the Territory, the cattle business will nevertheless

move along undiminished, and if the men who are now prophesying the total obliteration of the industry and their own retirement therefrom in the event the fences are destroyed, do indeed retire—which they will not—there are others with equal capital and ability to take their place and who will operate the business with profit.

New Mexico wants no lease law, unless the Territory desires to crush the small stockman and perpetuate the range interests in all the immensity of former years.

Mr. Chairman, I have a compilation here, as I stated, from all the press of New Mexico—a compilation on both sides—and the question is ably presented, and I submit that compilation to the committee, and will make a little statement in addition to that.

I personally have no great feeling about the matter, but I know that the large majority of the people of New Mexico feel that the present laws suit them. In the southeastern part of New Mexico the cattlemen have come in from Texas and erected drift fences contrary to the law. They came in with their stock. Nobody has any objection to that. After the Government ordered their fences down they looked around for some method by which they might retain their fences.

The people have no objection to the drift fences, but they have serious objection to the cross fences between them, which shut out all development. Recently the Rock Island Railroad built a road into this eastern section that I am now speaking of, and it resulted in a large settlement there; a large part of the section is settling up.

Mr. FLYNN. What is that agitation in New Mexico about the fences which has caused great trouble in my country?

Mr. RODEY. The Interior Department ordered the fences down, but later gave a year's leeway. Recently I helped to secure an order for a ninety days' extension before they would be obliged to take their fences down. The order was for them to take the fences down on the 1st of April, and now they have until the 1st of July.

Mr. FLYNN. Why did this agitation originate in New Mexico?

Mr. RODEY. It originated because the men were ordered to take down their fences. Some of you may not be aware that before Texas became an independent republic some men secured a concession from Mexico for a little colonizing grant, and after Texas became an independent republic they wanted to insist that it was a grant bigger than a State. If you will look at the map of New Mexico, you will see the Maxwell Land Grant, which is just as big as a small State, and about twelve years ago it was leasing its ground to different tenants, and a concern calling itself the Interstate Land Company came along with this old Texas claim and endeavored to eject some of the tenants of the Maxwell Land Grant on the ground that it—this Interstate Land Company—possessed all of the land in New Mexico east of the Rio Grande, making a tract bigger than two States as large as Massachusetts.

The Supreme Court of the United States held it to be absolutely null and void; that they had no title whatsoever. The cattlemen in southeastern New Mexico held their fences on the public domain and recently obtained a claimed right to the possession of the public domain to the exclusion of settlement and everything else under this concern. They took leases from this so-called Interstate Land Company and paid large or small sums of money—I do not know which—for them, and then they refused to take down their fences from the public domain; but when they found that the Government would not sustain them or pay *any attention* to the leases they secured permission to hold their fences *up an additional year*, and then came before Congress for legislation

to aid them, and a large part of my time here has been spent in fighting that attempt to revive an old dead land claim. Any gentleman of the committee who cares to study that question will find much information in this pamphlet [presenting copies of the hearings before the House Committee on Private Land Claims on the matter of the Beales-Roynela Land Grant].

Now, we have no objection to the cattlemen in New Mexico; they are first-class citizens and we respect them, but we do not want a condition that will throw another land-grant cloud over us. We have had a history of fifty years of land grants. We have the largest tracts of land in private ownership of any part of the nation; in fact, in certain sections of the Territory we have principalities that are now held in private ownership. We have nearly 55,000,000 acres of public land in New Mexico, and about 30,000,000 acres included in grants, and therefore we want the public domain allowed to remain as it is—open to settlement and ready for the homesteader. This compilation of matter consisting of letters and newspapers I submit to the committee for such use as it sees fit to make of it.

Those in New Mexico who favor a lease law object to paying as much as two cents an acre, because they claim that the land is not worth more than one cent an acre. But there is no question but what the overwhelming majority of the people of New Mexico are opposed to any lease law. We are satisfied with conditions as they are. As to those cattlemen in New Mexico who want to keep up their fences, the people are willing to aid them in any way they can to induce the Department of the Interior to allow them to have drift fences up as long as the Department sees fit to permit it, and as long as it does not interfere with the settlement of the country; but we do not feel that these cattlemen should have possession of the country to the exclusion of the settler.

Mr. NEEDHAM. Why are they opposed to the lease law? I understand that the cattlemen are for it.

Mr. RODEY. Not in New Mexico. It is favored by only a small proportion; say, one-third of the cattlemen.

Mr. FLYNN. They are all against this law?

Mr. RODEY. Western New Mexico cattlemen are certainly against a rental of 2 cents an acre; I have not heard from the cattlemen in eastern New Mexico on that subject.

Mr. NEEDHAM. The sheep industry in New Mexico is much larger than the cattle industry?

Mr. RODEY. The sheep industry in New Mexico is the largest in the United States; we have 7,000,000 sheep to-day, I believe.

Mr. NEEDHAM. Do you know how they compare as to valuation?

Mr. RODEY. Our sheep are graded up quite as well as other sheep in the nation.

Mr. NEEDHAM. I mean the sheep valuation as compared to the cattle valuation?

Mr. RODEY. I think we have 1,500,000 cattle in New Mexico. Our tax returns will not show that number. You can calculate the value yourself. I think the sheep interest is about equal to the cattle interest in cash value. Now, you can see that at present prices the cattle are the more valuable.

Mr. NEEDHAM. Are all the sheep shown on the assessment roll?

Mr. RODEY. No; the assessment roll does not show near the num

ber of sheep we possess. The sheep sanitary board, which gets practically three-fourths of the sheep we have, shows about 5,000,000 of them; but the Agricultural Year Book shows a larger number of sheep in New Mexico than in any other jurisdiction in the United States.

Mr. NEEDHAM. Do you apportion the public domain between the sheep and cattle?

Mr. RODEY. The way it has been carried on in New Mexico is that a sheepman will get a water right or place to occupy during lambing season, and then he will go all over the Territory, 150 or 200 miles, sometimes, to pasture. The Department of the Interior has created in southwestern New Mexico an immense forest reserve, known as the Gila River Reserve, and have permitted 220,000 sheep to graze in that reservation under restrictions promulgated by the Department this year. There are private parties who buy land grants, or large tracts in them, for instance, in the Maxwell Land Grant; and there are cattle companies, like Captain French's and others.

They buy large tracts of lands in these grants and fence them, and use them as a permanent pasture. Look at those red blotches on the map of New Mexico; everyone of them is private property. A great many of them are not available. Although the land court has confirmed the title, the decree always goes to the original grantees, and it always takes three or four years to trace down the genealogies to ascertain who the real owners are, and of course interested parties bring suit to quiet title. Some of those lands are very rich, containing coal country, mineral country, or timber country.

Mr. ESCH. Are you suffering from overgrazing under present circumstances?

Mr. RODEY. Not that I know of. The cattlemen respect each other's rights, and so do the sheepmen. We have no murders. The statement was made here the other day that there was great controversy between the sheepmen and cattlemen, and that there were murders, and so on.

While in the years that have long since passed, we have had our share of killings and so on in New Mexico, it never occurred to any extent because of any stock troubles, that I know of.

Mr. MOODY. Your country has never been overstocked; is not that the reason?

Mr. RODEY. I do not know. There have been droughty years when we had to ship the cattle into Colorado and Nebraska to preserve them.

Mr. NEEDHAM. You do not have the winter feeding of cattle?

Mr. RODEY. No, sir.

Mr. NEEDHAM. You have none of that system?

Mr. RODEY. Absolutely none. There is a system that is in vogue largely; gentlemen of means in Nebraska and northern Kansas and Colorado come down into New Mexico at the proper season of the year and they buy large herds of our steers, and they ship them to their places and feed them; and they also buy all of our spring lambs; they make contracts six months ahead, and then they come along and get them at the delivery season and ship them home, and afterwards to Chicago or other markets.

Mr. NEEDHAM. Does any considerable portion of your cattle go *direct from the range to the market*?

Mr. RODEY. Practically none at all. There are a few fattened on the alfalfa ranges that we use for beef, but the supply does not equal the demand.

Mr. RICHARDS. Will the Gila Forest Reservation be open to sheep?

Mr. RODEY. It is open to sheep now and there are 220,000 sheep on it. The Interior Department has promulgated rather strict restrictions about the use of the pasture, which the sheepmen do not like, but the privilege is so valuable that they have accepted them.

Mr. RICHARDS. The reason I asked was that Mr. Porter, who has one of the largest ranches in your country, has had a great deal of trouble with sheep.

Mr. RODEY. It never resulted in any killing that I know of. The Department of the Interior officially arranged that matter by keeping the sheepmen to the northern portion of this reserve and Mr. Porter and other cattlemen in the southern portion.

They do not bother each other at all. However, the stock interests in that section of the Territory have not created the amount of agitation that the southeastern portion has; that is where the real exclusive cattle interests exist.

I do not know what the chairman may conclude as to printing this matter, but here [showing compilation] is as good a discussion as could be prepared, pro and con, on this matter, that I submit. It covers letters to myself and to newspapers and articles from citizens of the Territory. I submit it for such action as the committee sees fit to take.

The compilation submitted by Mr. Rodey follows:

THE CATTLE AND HORSE PROTECTIVE ASSOCIATION
OF CENTRAL NEW MEXICO,
Magdalena, N. Mex., March 30, 1902.

HON. B. S. RODEY, M. C., *Washington, D. C.*

DEAR SIR: Referring again to the public land leasing bills so kindly forwarded by you, I mention, what doubtless you have already noticed, that in both Mr. Bowersock's H. R. 7212 and in Mr. Millard's S. 3311, in section 2 of each, there is nothing to prevent the agents of large capital, who have leased the two regular "school sections" in a township or in each of many townships—in any State or Territory so leasing—from claiming the right, on the strength of such leasehold privileges, of leasing in addition from the General Government enough of the remainder of these townships to completely surround the tract of land embraced in the said townships, and further giving them the right, of course, to fence such tracts, unless the smaller, less provident, and less enterprising stock owners and settlers should all be able—financially qualified—to at once claim their lease allotments and prove to be in sufficient number to absorb all of the vacant public land.

It is generally recognized, I think, that all of the smaller claimants could not so act immediately, thus leaving a large part of the field open for monopoly by outside capital to the future exclusion of the humbler new or old settlers.

It is, of course, a difficult point to arrange for in any bill drafted; but the pretense of providing for it in these bills referred to is farcical or purposely deceptive. Those stockmen of this county who desire a lease law will not, I believe, consider that either of these bills offers sufficient protection against the immediate absorption by a comparatively few large capitalists of all of the desirable portions of the surplus grazing lands of the West; nor will they feel that a uniform rate of 2 cents an acre for both heavily and lightly "grassed" States and Territories is wise or just.

Yours, truly,

E. A. CLEMENS.

THE CATTLE AND HORSE PROTECTIVE ASSOCIATION
OF CENTRAL NEW MEXICO,
Magdalena, N. Mex., April 18, 1902.

HON. BERNARD S. RODEY, M. C., *Washington, D. C.*

DEAR SIR: The inclosed copy of call for a meeting of stockmen here partly explains itself. In addition we desire to state to you that cattlemen are somewhat worried

over the current reports that Congress probably will not only refuse to sanction any public land leasing propositions, but will even go further and order a very close enforcement of existing laws against the inclosure of the public domain under any circumstances whatsoever and on any scale, small or large. And, further, that United States grand juries, in this part of the country at least, are to be at once instructed to vigorously investigate and act on all technical violations of the fencing laws.

Anyone informed on the live-stock industry on the "open range" of the West knows that a strict enforcement of the laws in question, at present, will work great injustice, and means emphatically the criminal indictment of a large number of absolutely honest, industrious, prosperous white citizens of this part of the United States, whose labor is the foundation of the entire cattle business of the West. The strict enforcement of the said laws during the past twenty years would have effectually barred the development of the industry to anything like its present proportions.

There would have been no surplus beef for exportation and its price would have put it beyond the reach of the working classes here.

It has not proved practical to maintain the small and medium sized cattle ranches without pastures for the saddle horses, with which all of the ranch work is done, and in certain localities more or less "drift fencing" has proved equally necessary to the welfare of the cattle.

It has also been found impracticable for herd owners to secure title to all of the required land at the prices and in the manner prescribed by Government when the rental value of it, even in the hands of the skillful and economical, often was not worth 2 cents per acre annually.

With the ready adaptability of energetic Americans in a new country, cattle breeders, from the Mexican line to the British possessions, recognizing this incongruous state of affairs, have met it in the only feasible way and in a manner that has, only in isolated cases, worked injustice or inconvenience to others, for as a rule—in New Mexico at least—moderate-sized pastures for saddle horses, steers, etc., though of private ownership, have proved of benefit to entire communities.

This is well known, and is not denied. Thus the pioneer stockmen have found the new conditions and have provided for them, while our highest authorities, charged to care with a watchful eye for all portions of our country, seem not to have done so, but have overlooked the necessities of one of the chief industries, developing in an immense territory, an empire in size, and have occasionally promulgated scant legislation affecting the business, the leading features of which legislation dwells in the memories of cattle growers chiefly for its restrictive rather than fostering nature.

The range cattleman has had many burdens. The loss of his comparatively small inclosures will be the final straw in numerous instances.

Much of the agitation directed against leasing as well as fencing can be directly attributed to the sheep interest, made powerful by the aid of a protective duty on wool; powerful now in financial circles, in the courts, and in legislation.

Is it not one-sided? Is it not time for a change? Will it not be wise to inaugurate the change before one industry is completely sacrificed to the other and blotted out of existence over immense areas, leaving in a large part of it, as you personally know, the man of foreign tongue with predominance over the American of white skin?

The inclosed invitation goes also to five hundred cattle breeders of southern New Mexico. We shall meet hardly informed on the situation in Washington or hardly knowing what there is to do or how to proceed.

Any information which you can send will be valued highly as coming from the representative of our interests at the national capital.

Yours, truly,

THE EXECUTIVE COMMITTEE,
By E. A. CLEMENS, *Secretary*.

MAGDALENA, N. MEX., April 17, 1902.

DEAR SIR: Congress in the closing days of its present session will consider and decide questions of vital importance to the cattle growers of the West.

While we are quietly attending to our duties on the range and hardly keeping track of the trend and full significance of outside events, matters are transpiring which, when finally decided and applied by the authorities, will result in the prosperity or failure of many industrious stockmen.

If we do not look into these questions for ourselves they will be fully at the disposal of men whose interests are often adverse to our own.

If we make our opinions and desires known, as other communities of stockmen are now doing, Congress may be able to give our industry substantial aid and encouragement.

Among the questions on which some decisive action will shortly be taken, and on which it will be wise for us as a united body to take a strong public stand at once, is the fence on public land. Shall they all be ordered down or shall we petition the Government for greater privileges and so preserve our horse pastures and drift fences?

In order to consider this and similar questions fully, and at the request of the cattle-men of this vicinity, we now invite you and all of your neighboring cattle and horse owners to convene in Magdalena, N. Mex., on May 15, 1902, Thursday, 10 o'clock a. m., and we urge strongly a full attendance by all who desire to promote the future prosperity of their interests.

Yours, truly,

THE EXECUTIVE COMMITTEE C. & H. P. ASS'N OF C. N. M.,
By E. A. CLEMENS, *Secretary*.

DATIL, N. MEX., February 4, 1902.

HON. B. S. RODEY, M. C., *Washington, D. C.*

MY DEAR SIR: Allow me to again trespass on your valuable time for a moment. It is concerning the lease law or the leasing of the public domain. If the bill that is to go before Congress should become a law I think it would be unfair for the stockmen of New Mexico, i. e., in this way: I believe it is a conceded fact that 1 acre of grazing land in Texas, Colorado, Nebraska, etc., will produce as much grass as 2 or 3 acres in New Mexico. If that is so it is hardly fair for the people of New Mexico to pay as much for the use of the public land as parties in the above-named States.

All the stockmen with whom I have talked bear me out in this statement. It seems to me the price should be regulated in accordance with the value of the land as to grazing purposes. I am engaged, in a small way, in the cattle business. I think that a just and equitable lease law, regulating prices as I have mentioned, would be a benefit to the stockmen of this country, especially those who have any enterprise in trying to build up the business of stock raising. It seems to me a lease law of the right kind would help this Territory to become a State, or rather, after it became a State. Moneyed men would then have an assurance of controlling whatever range they came in possession of. When I can serve you, command me.

Truly, yours,

ED R. KELLEY.

JULY 1, 1901.

HON. B. S. RODEY, *Albuquerque, N. Mex.*

MY DEAR MR. RODEY: While your favor of the 21st ultimo called for no reply, I have been intending to write you concerning the matters already touched upon, but have been delayed up to this time.

I note what you say in respect to the drift fences—that you have no opinion as yet either one way or the other. Briefly I want to say just here that there is no disposition upon the part of the people in this section to oppose the maintenance of a reasonable number and properly located drift fences. The only danger to be apprehended from their maintenance is that they will lead to further and more disastrous encroachments upon the part of the cattlemen, as past experience has clearly shown that the cattle corporations are aggressive and are constantly reaching out to grasp and possess whatever will redound to the benefit of their own interests, without regard to how heavily it bears upon the interests of their neighbor or the country generally. As a condition, then, inclining to something more detrimental, the wisdom of the maintenance of the drift fences is debatable.

The leasing proposition now being manipulated by the promoters of the Interstate Land Company, you of course understand, is quite separate and distinct from the proposition which has been for the past several years agitated by the big cattle corporations of the West looking to the passage by Congress of a national lease law. The interest which seeks to have this bill passed was never so active as just at this time, and the plans are all made to have Congress accede to their demands this coming winter. They have enlisted the support of a number of Senators, and apparently feel confident of success.

Located as we are here in the heart of the stock-raising district of the Territory, it is practically the unanimous voice of the people, barring the big corporations, of course, that a law allowing the leasing and control of the public domain by the large companies—and it is only a question of a very short time until they would control it under the operation of such a law—would be death to every other interest, and death to the owner of only a small herd of stock as well. I think this is the opinion of the majority of the citizens of New Mexico as well. Where we now have varied interests and the country is settled by small owners, the whole would be given over to the big outfits.

I inclose you some arguments against such a measure which was prepared and circulated among the newspapers of the Territory two years ago to awaken them to a realization of what a lease law meant when the supporters were very active in pushing it at that time. Time has only had the effect of strengthening them, and they are more pertinent to-day than then.

You probably remember that the National Live Stock Convention meeting in Texas two years ago put itself on record as favoring a lease law, such action being taken solely by the vote of the Texas delegates, who had pledged themselves previously not to vote upon this particular question if the convention was awarded to Texas, and a State that if such a law was passed has not a foot of land that could be leased under its provisions. At the convention of the same association in Salt Lake City this spring the question was not offered. The delegates had considered the matter and it was almost certain that if a vote was taken the convention would stand recorded against a national lease law. The advocates of the measure read the handwriting and kept it from a vote.

The big companies tributary to the Pecos Valley are very active in pushing the matter, and the controlling owners of these very companies, who are doing everything they can to have a lease law passed, are residents of Texas and do not spend two months of the year in New Mexico. Is New Mexico land to be leased for the benefit and profit of residents of Texas and to the detriment and oppression of bona fide settlers? Texas has a lease law, and as a result all the small owners of stock, cattlemen as well as sheepmen, have been driven out, coming into New Mexico, and the former State is given up to the big corporations. The small man who has come in here has had experience with the working of a lease law, and he wants no more of it. Present conditions suit him, as they do all people and interests, save the cattle kings, who want to get an absolute and positive grip on the land and water and then say to the small man and the man of agricultural instincts, "move on."

There are so many things that can be urged against a lease law that it is quite impossible to incorporate them in a letter. I merely want to bring the matter to your attention and ask that you give it careful consideration. It must eventually come to an issue, and I believe it will indeed be an evil day for the advancement and prosperity of New Mexico that sees a lease law fastened upon us.

I expect to give the matter considerable space in *The Argus* from now on, showing both the arguments for and against it, and will be glad if you will consider them.

The press of the Territory is almost a unit in opposition to the measure, as are the men representing the substantial and prominent interests of New Mexico.

Present conditions are entirely satisfactory, and the Territory is prospering under them. Then why establish a condition that will aid only a few and injure the many?

With kindest regards, I am, yours most truly,

L. O. FULLEN.

AN OPEN LETTER TO THE PRESS OF NEW MEXICO.

To the Editor.

SIR: With the belief that you are earnestly concerned in all questions having bearing and effect upon the interests of your particular community, and of the Territory of New Mexico as a whole, we address you upon a subject of most vital importance to both: The effort now being made to secure enactment by Congress of a national lease law.

This agitation is viewed by the people of New Mexico with an apparent indifference that can result only from an utter unfamiliarity with the rigorous and wide-reaching result that will follow should success result to it.

It will mean, first and preeminently, the utter destruction of the sheep and wool interests and small stock business of New Mexico; and what the effect of the destruction of this industry—now the predominant one of the Territory,—would be, it is not necessary to picture.

That the matter may be brought to the attention of the people and they be incited to efforts to prevent the passage of the lease measure proposed, it is necessary that the press of New Mexico should give careful investigation to the subject, and after satisfying itself of the injury that would result to the whole people from its adoption, give the facts to the public that it may be thoroughly informed.

To that end the following is respectfully submitted for consideration:

That well-organized plans have been perfected by the big cattle concerns of all the Western and Northwestern States to secure the passage of a national lease law by Congress during the present winter admits of no doubt.

That the governor of Wyoming has called a meeting of all the governors of Western States to meet in Salt Lake City, December 14, to "formulate plans of legislation to be submitted to Congress looking to leasing grazing lands in the West to stockmen and ranchers."

That a national lease law will be a calamitous thing for the Western States generally, and for New Mexico particularly, is at once apparent to anyone who gives study to the question.

It is a fact of record that the greater portion of the wealth of New Mexico is represented by live stock being bred and raised upon the public ranges, which stock is owned in small herds.

Under present conditions the public range is free alike to all. The owner of only a few head of stock has the same right and derives the same benefit from the grass and water as the man numbering his stock by the thousands. But the enactment of a general law for leasing the public lands would be ruinous to the interests of all owners of small herds, particularly of sheep, for the reason that the large companies, backed by unlimited capital, would find it an easy matter to gradually, if not at once, control all the desirable lands and water. This could be effected in many ways.

Their large holdings and corresponding profits would permit them to pay a higher lease price than the man with only a few head of stock, paying him only a minimum of profit. Constant and persistent encroachment would soon give the big owners the control, and where now is seen hundreds of small flocks and herds there would appear only miles of fence and pastures owned by immense corporations.

A lease law means the extinguishment of the sheep industry in New Mexico, and to-day the sheep and wool interest is, of all others in the Territory, the predominant one.

Does New Mexico want to kill its chief industry—the one that supports a greater number of its people than any other?

The sheep industry and a lease law are not compatible, for the reason that sheep will not thrive when confined to one range, the migratory nature of the animals making a constant change necessary, and as an illustration of this fact it is only necessary to cite the history of the sheep-growing industry in the State of Texas, where a few years of the practical operation of a lease law has resulted in driving the sheep out of every part of the State where the range has been of sufficient value to justify the leasing of the land by the owners of large herds of cattle. The record of this State has been that the cattlemen has spread out, crushed out and destroyed his small neighbor and competitor, and veritably possesses the land. He is an embryo king and his sway none disputes.

The enactment of a lease law would place it within the power of corporations and men of large means to lease and control all desirable grazing land to the exclusion of the owners of small herds, thus giving over the country to the use of a privileged few to the detriment of the many.

People now deriving a livelihood from small holdings of live stock kept on the public range would under a lease law be forced to dispose of their stock at such prices as they could obtain from the parties holding the lease to the range. The stock of the large holders, being confined within pastures, would need but little care, so that the employment of the small holder as well as his herd would be gone, thereby forcing him to seek more inviting localities. Thus the population of New Mexico as a whole would be materially decreased, and the aggregate wealth of the Territory would rapidly grow less upon the going into effect of a law permitting the leasing of the public domain.

The questions for the people of New Mexico to consider and determine are:

Do they want the Territory peopled by happy and contented citizens, deriving support and contributing to the general prosperity from small holdings of stock, or do they want the Territory dominated by a few large corporations?

Does the greatest good and success result to a town, community, or country from many and small farms and industries, or from a few and large ones?

Is it the wish to turn over the country for the exclusive use and benefit of the big

cattlemen, to the injury and destruction of the interests and business of the man whose misfortune it is to have only small holdings?

We ask your careful consideration of the above, and believing in all seriousness that the best interests of New Mexico and its people demand that present conditions as they apply to the stock and range interest be undisturbed; ask that you give your influence and support to combat the proposed enactment of a national lease law.

Most respectfully,

J. O. CAMERON.
A. S. GOETZ.
L. O. FULLEN.

CARLSBAD, EDDY COUNTY, N. MEX., *November 29, 1899.*

DECEMBER 30, 1901.

Hon. B. S. RODEY,
Delegate from New Mexico, Washington, D. C.

FRIEND RODEY: I inclose you a clipping which (the Bowersock bill) explains itself. You have doubtless already taken note of them. But the fact, evident, is that the leasers have opened the fray and are going to exert every effort to fight the bill through along the line they have carefully planned and mapped out. Of course you understand that this bill is the product of the American Cattle Growers' Association, organized solely to get this bill through, and in nowise representing the general stock interests of the West. The recent convention of the National Live Stock Association in Chicago refused to indorse the bill, took no action whatever, and had the matter been pressed to a vote the convention would have gone on record as opposing leasing, as a majority of the delegates were of that view, but in a spirit of harmony the matter was ignored.

I was of the opinion then, and so asserted, that it was not the time nor occasion for neutrality; that the matter should be brought to an issue and fought out; but the majority voice was against me, and as a result the only organization that is truly representative of all the stock interests did not consider the matter, the executive committee, in fact, refusing to have anything to do with it.

The bill as introduced is clearly for the benefit of the big man. I print it in this week's Argus and editorially point out the features that will work havoc to the small man and all commercial interests. I inclose you a marked copy.

I bring this matter to your attention and place such data as I have at your command. The plan must be watched closely and fought vigorously. Surely, if there is any prospect of consideration by Congress, New Mexico should go on record protesting in a manner that could not be overlooked. Such a bill would be ruinous to the best interests of the Territory.

Sincerely, yours,

L. O. FULLEN.

GLEN, N. MEX., *March 8, 1902.*

Hon. B. S. RODEY.

DEAR SIR: I have just received from a friend a copy of the bill introduced in the House by Mr. Bowersock, known as H. R. 7212, to provide for the leasing of public lands.

Have previously given you by letter my views regarding such a measure, and sincerely hope that you will work against its passage. The sheep business in New Mexico is largely conducted by such as myself or those having less in number—7,000 to 10,000 head. It could not be otherwise than suicidal to our interests if such a measure should be passed. We can not get revenue enough out of that number of sheep to pay the lease, over and above our ordinary expenses, and the most of us could ill afford the considerable expense of fencing, which we should be obliged to do in order to get the benefit of the land.

The leasing and fencing of the land would not necessarily reduce expense in any direction, as sheep can not be turned loose in pasture, as wolves and coyotes would exterminate them. If wild animals were all disposed of, even, there would remain the serious condition of drought which occurs at any given point in New Mexico at intervals of three to four years and makes a pasture useless for months, or a year, at a time.

You are probably familiar with these conditions and I speak of them simply to *emphasize their importance* from our standpoint.

Should you see, however, that the bill must go through, get the rental reduced if possible to 1 cent per acre. That is more nearly a fair rental and one that of course could be better afforded than the 2 cents proposed.

Very respectfully, yours,

CHAS. D. KEYES.

P. S.—Who would be arbitrator of cases coming up under lines 9 to 17 when interests clash and claims are irreconcilable? A source of great trouble between cattle and sheep men.

[Carlsbad, N. Mex., Friday, August 2, 1901.]

NATIONAL LEASE LAW—IT WOULD HAVE A DISASTROUS EFFECT IN THE TERRITORY OF NEW MEXICO—A FIGHT OF SMALL CITIZEN HOLDERS AGAINST LARGE FOREIGN STOCK SYNDICATES.

The New Mexican of a recent date published the following letter from Carlsbad under heading of "Special correspondence," and in another column heartily indorsed the position of its correspondent in an editorial. The letter reads:

"An Associated Press dispatch from Denver is to the effect that 'President Lusk, of the American Cattle Growers' Association, has appointed the following committee to draft a bill to provide for the leasing of the public range: John P. Irish, of California; M. K. Parsons, of Utah; Bartlett Richards, of Nebraska; Henry M. Porter, of Colorado, and A. B. Robertson, of Texas. The committee will meet in Denver in September.'

"Public and positive evidence, this, that the agitators for a national lease law are exerting every effort that a solid front may be presented to Congress the coming winter when the request is made that the public lands, now free alike to all, be made possible to their control.

"The prospect of a national lease law is especially alarming to the people and general interests of the Pecos Valley region of New Mexico. Under conditions now existing the valley has made steady progress and material growth. All interests and industries have prospered. The owner of large herds, the man whose holdings are small, the agriculturist, the merchant and tradesman alike, have enjoyed the bounty of good fortune. It is a pleasant and satisfying condition. Naturally, then, the people generally, barring those connected with or having interests in the large cattle companies and syndicates, are anxious that there be no disturbance.

"It is quite patent to those who have made a study of the proposed leasing proposition that its effects can only be the elevation of the one interest and crushing of the many. When legislation is enacted permitting the public range—now the grazing ground of whosoever desires to make use of it for such purpose—to pass, under the workings of a lease law, to the absolute control of the men and companies having the money to secure it, there has been made possible to them the domination of the country and the power to annihilate every interest that conflicts, and as has been repeatedly demonstrated, there is not a single interest that does not conflict.

"It is true that some of the most active and enthusiastic advocates of the beauties and advantages of a lease law are residents of this section, but they represent a single interest only—cattle—and their opinions are voiced and their efforts exerted from that standpoint alone, without regard to the effect which such a measure will have upon other equal, if not greater, interests.

"The cattlemen occupying the ranges adjacent to the towns of Carlsbad and Roswell have no cause to complain of present conditions. Their operations have resulted most profitably. But fearful of some conjured contingency they now seek, through the instrumentality of a national lease law, to clinch their hold upon ranges now occupied, and whatever additional territory they can by any possibility secure, and place themselves in a position to say to the man with a herd of stock who desires a participation in the free-range benefit, 'Nay, this is mine. Move on, off the face of the earth.'

"Granting that the small holder, under a lease law, could, at the inauguration of the measure, lease proportionate with his holdings and start equally with the big corporations, constant aggression by the latter would eventually win for them the possession of the country, and where now the small owner of both cattle and sheep is numbered by the hundred there would be but a few immense syndicates, with hundreds of thousands of acres under fence. It does not require a seer to appreciate

the effect of such a condition upon the business life of a town, created and sustained by the patronage and trade of the small stockman and a multiplicity of small interests.

"Perseverance, energy, and the influx of enterprising citizens and settlers from all points of the compass, have reclaimed from wilderness and the domination of the stock baron and given to New Mexico one of its finest and richest portions. Can it be that in this, the early days of the twentieth century, the backward step is to be taken and the land again revert to an industry whose possession means stagnation of all industrial and modern progress?

"Admittedly the chief cattle section of New Mexico, the question presented is one involving the very commercial and industrial life of this fertile valley; but New Mexico as a whole is only a little less affected. There should be an awakening to what the effect of a national lease law will be upon the Territory. The men who stand to the fore in New Mexico and are charged with the protection of the interests of the whole people, irrespective of clan or interest, should not stand idly by while this burden is being fitted and the shackles forged.

"The Cattle Growers' Association is going before Congress with a campaign fully mapped out. The men connected with that organization know what they want, will ask for it, will be insistent, and will have to support them an immense fund, which has already been raised to put the bill through.

"Eddy County has resident stockmen who are devoting time and money to paving the way for the passage of such a law as is desired. Coming here from other States—States having no land which could be affected by a lease law—they have enlisted the support of the Senators therefrom, and confidently announce that it is all over but selecting the land. But, 'the best-laid plans,' etc.

"Then, too, Eddy County has nonresident stockmen—men whose stock feed and fatten upon New Mexico grass, but whose owners live in Texas and who distribute their wealth in that State. These are diligent workers to the end that a law may be enacted permitting them to lease and control land in a Territory of which they are not even residents, to the exclusion of men who are bona fide citizens of New Mexico, and are here to establish homes.

"Conditions as they exist to-day are equitable alike to all interests. Objection, then, is only made to the selfish attempt of the one industry to secure for itself special privileges to the detriment of the others.

"What think the people of New Mexico of a lease law?"

[Carlsbad (N. Mex.) Argus, Friday, September 27, 1901.]

THE LEASING QUESTION—A LETTER SHOWING THE CHARACTER AND EXTENT OF THE INTERESTS URGING A NATIONAL LEASE LAW.

Charles Becker, of Oregon, is the author of the following interesting letter which appeared in the *Denver Field and Farm* of August 31. It is a complete refutation of many of the arguments being put out by President Lusk, of the American Cattle Growers' Association, and is commended to those who are seeking true light on the merits of the national lease law question:

"The American Cattle Growers' Association was organized for the sole purpose of bringing about the leasing of the open ranges. It is composed entirely of the largest live-stock corporations of the West, and of course they are in favor of a lease law. Mr. Lusk, the president, represents a California corporation which owns 90 per cent of the best land in Harney County, Oreg. Much of this land was gotten under the swamp act. Men filed on it as unfit for farming purposes, making affidavit that they rode all over the land in boats, but omitted to mention that the boats and their occupants were loaded on a wagon and hauled over the land by four horses. That company owns 1,400 miles of fence—part wire and part rim rock—and of course they wish to control all the range in that section. Large live-stock corporations have no use for small stockmen or settlers, and let Congress once pass any kind of a lease law, no matter how it may be framed and sugar coated, there will be an end to small stockmen or further settlement of the range States.

"Mr. Lusk proposes to donate the proceeds of the leasing of the public domain to the several range States to be used for building storage reservoirs. For whose benefit, we would like Mr. Lusk to tell us; as after the public ranges are leased there would be no further settlement of the country possible. Mr. Lusk is well aware of this

fact, for that is the last thing a live-stock corporation wants—settling up of the ranges. They would make it very uncomfortable for any settler who would be rash enough to settle on their ranges.

"The settlers and small stockmen of Harney County know this to their sorrow. In reality the money derived from the leasing of the ranges would be expended for the benefit of those who hold the leases and the Government could hold the empty sack. Mr. Lusk professes to be most anxious to protect the small stockmen and settlers. The past history of the company he represents does not show such disposition on their part, but the contrary is the case.

"Mr. French, the founder of this immense estate, was a genial and honorable gentleman, possessed of a great deal of energy and good judgment in acquiring land and property, coupled with an aggressive and grasping disposition, which caused his small neighbors, for whose welfare Mr. Lusk pretends to be so much concerned, any amount of litigation over their land, which terminated invariably in the settler losing everything. Of course, the company gained its ends, but Mr. French lost his life. To show the sentiment prevalent in the community, no jury could be procured to convict, and the murderer went free.

"The fact of the matter is, this cry of protecting the small stockman is only a sugar-coating of the proposed lease bill to keep the small stockman quiet until such a bill is passed and the corporations are in control of the public ranges. Mr. Lusk also states that the sentiment of the small stockmen is becoming more and more in favor of a lease law. In this Mr. Lusk is again wrong, for the feeling, not only of the people actually engaged in the raising of live stock, but all business interests through all of the range States, is becoming more intense in opposition to such a measure, as the people are beginning to realize the consequences to all interests should such a law be enacted.

"Mr. Lusk says, 'For instance, our company pays a large amount of taxes to the county and State,' but he omits to tell how much they pay on a property easily worth several millions of dollars. I am safe in saying that were their property owned and run by small stockmen and farmers the county and State would receive ten times the amount of taxes the company now pays. Besides, if small owners had the use of the range it would support several times the number of stock it does now.

"Mr. Lusk further says that the ranges are now open battlefields between sheep and cattle men, and tells of the many homicides. In this Mr. Lusk is again in error. Why does he not give details of these bloody battles and numerous homicides? In his zeal to bolster up the necessity of leasing the open ranges he allows his imagination to get the better of his veracity, for I defy Mr. Lusk to show the public one instance where a battle has been fought over range between sheepmen and cattlemen in Oregon or any homicides committed within our State. Scores of homicides are on record over land, fences, and water rights.

"I have lived in this country thirty-two years, engaged in cattle raising on the open range, and I know of but one case in Idaho where a homicide has been committed over range troubles. It has gotten so that if a sheepman and a cattlemen happen to meet each other on the road and do not stop to gossip the local papers report a bloody range war. The reports of range wars are mostly circulated and put in print by those mostly interested in the passage of a lease law for the sole purpose of shaping public opinion in favor of leasing the ranges, so a few rich men may control the whole live-stock industry of this country and fix the price of meat, hides, wool, etc., to suit themselves.

"Mr. Lusk further quotes Texas as having a lease law which is satisfactory to all concerned. Why should it not, when there is no one concerned nowadays, save only those few corporations who derive all of the profits of the live-stock industry of Texas, and who are to a large extent nonresident foreigners. No comparison can be formed between the northern range States and Texas. Geographical and climatic conditions forbid it.

"In Australia hundreds upon hundreds of miles of wire fences are run in all directions over the range country, and the live stock business is carried on exclusively by large corporations possessed of unlimited capital. The small stockmen who formerly carried on the live stock industry have all disappeared, as will happen should our public domain ever be leased. When Mr. Lusk asserts that leasing by the Government of the public domain—to large corporations he may as well admit, for no small stockman could afford to lease—is being more and more favorably regarded by the sheepman and small cattle owner, he is entirely wrong. A lease bill, no matter how it may be framed and sugar-coated to deceive people unacquainted with the conditions prevailing in the range States, should never be passed by Congress.

"I do not believe that such a bill can ever be passed, for in the nature of things it

would stop all further settlement of the range States and turn what are now large and prosperous settlements into big cattle and sheep camps, owned and controlled by rich nonresident corporations such as now rule supreme in Texas and Australia. Towns would be wiped out, business all over the range States would be paralyzed, and thousands upon thousands of small stockmen who came to the frontier States in early days and brought with them their savings of years and risked their all, to say nothing of the hardships they went through to build themselves homes, would be ruined. As for range wars we read so much about of late, that is exactly what leasing of the public ranges would bring about—innumerable homicides and destruction of property."

[Carlsbad, N. Mex., Friday, February 28, 1902.]

LEASERS ROUTED—A COLORADO JOURNAL STATES ITS OPINION OF WOULD-BE LEASERS.

The Denver Field and Farm, one of the most influential of Western agricultural journals and an exponent of irrigation farming, prints the following editorial article upon the much-mooted national leasing agitation:

"Next week two range cattle associations will hold meetings in Denver for the presumed purpose of attending to several especial matters, principal among which will be that pertaining to the leasing of public lands. It will not be surprising to us if both bodies should declare against the proposition, and this will certainly occur if the individual members can have their honest expression recorded on the right side. As everybody knows, this idea of leasing the public domain was conceived in sin and brought forth by the selfish spirit of iniquity. Thomas Jefferson at one time, in speaking to a friend regarding the corruption of European cities, said that so long as our Western public domain held out we would be in no such danger as that.

"The chance of a free home would act as a safety valve and would always offer an outlet for the dissatisfied of our overcrowded Eastern cities. We are wondering whether the selfish leasers think the time has arrived to block that safety valve. For the last two years the Field and Farm has been particularly strenuous in sounding the alarm, and in this it has represented the sentiment of fully 90 per cent of the people living west of the one hundredth principal meridian. This 90 per cent represents that class of citizens who are not in the habit of writing letters to their Congressmen in protest of obnoxious legislation, though their feelings be ever so bitter.

"The smaller holders in the West know only too well that it is the intent of the big guns to gobble up every foot of the public domain available, and if they succeed it will constitute a land steal beside which the memorable Union Pacific land swindle would dwindle into insignificance. The black-legged American Cattle Association claims that unless the public land is leased the cattle industry of the West will suffer. This is all flubdub. There are more cattle on the Western ranges to-day, and they pay more taxes, with fewer bones bleaching on the plains than there were fifteen years ago, when the big outfits held full sway over this immense domain. Now every calf is taken care of, and there is not an acre of range that is not grazed over by somebody's stock; at least no Western grass is going to waste.

"The Western people are not suffering for the want of leasing the public domain. What they do want is the National Government to aid in making two blades of grass grow where one grew before. National aid in irrigation for the West is the demand of the hour. The United States Government spent many hundred millions of dollars to give 1,500,000 Cubans free homes. Let the Government now spend the same amount for irrigation on this Western arid land and it will establish happy homes for millions of American citizens. If Congress should pass this dastardly act to lease the public range, thereby allowing it to lie dormant for twenty or twenty-five years to come, it would be a national disgrace, especially when we take into consideration that the population of this country is bound to increase to more than 100,000,000 people in the next fifteen years, and the greater exploitation of this increase must naturally be of the West—western."

THE DAY OF SMALL STOCKMEN.

[From the Denver Field and Farm.]

Only 140,000 head of cattle from the Western ranges went on to Chicago last year. This is the smallest number received in twenty years, being 6,000 less than the previous year. The high tide of the range cattle trade was reached in 1895, when 430,-

526 head went on. Since that time the trade has steadily declined each year, showing less and less, until last year the number was only one-third what it was six years ago. This is not a surprise to those who have ever been familiar with the great change taking place in the West. Farther and farther west the man with the hoe has gone each year, encroaching on the range and driving the cattleman off his range grounds. As irrigation becomes more general this will still further curtail the ranges, and the range cattle will continue to become less and less each year until as such they will be a reminiscence. Cattle raised and fed on the small alfalfa farms and ranches will produce a much better grade of cattle, which will probably bring as much money to the Western country as did the old range days.

NATIONAL LIVE STOCK CONVENTION—NEW MEXICO'S REPORT OF CONDITIONS AT CHICAGO MEETING.

The fifth annual convention of the National Live Stock Association assembled in Studebaker Hall, Chicago, Tuesday. The convention was called to order at 10 a. m. by President John W. Springer.

The morning was given over to addresses by Governor Gates, of Illinois, Hon. Carter Harrison, mayor of Chicago, Hon. S. H. Cowan, of Texas, and the annual address of President Springer.

At the afternoon session the roll of the States and Territories was called for five-minute talks on the "Present condition of the live-stock industry." When the Territory was reached, L. O. Fullen responded for the New Mexico delegation, his remarks being as follows:

MR. PRESIDENT AND GENTLEMEN OF THE CONVENTION: New Mexico is here from "away down West"—from the "Land of Mañana," as it is sometimes hailed, and prophetically, too; for all the richness, beauty, and greatness of the present day is as nothing compared to the day to be—the morrow day—the glinting, dawning rays of which already paint the stalwart breast of our rugged guardian, Old Rocky, and a few glints of which careful search will reveal concealed in the pockets of the individual members of this delegation, who, if properly approached, can doubtless be induced to part with them.

Along the lines of the stock interests New Mexico announces pleasing and substantial progress. As a sheep producer she continues to lead all other States and Territories. Her flocks are increasing, and the strain of blood shows marked improvement. More of her people are identified with this industry than with any other one interest, and as a consequence when sheep and wool are high New Mexico presents a glad smile. She is smiling now, gentlemen, although there are those who regard present conditions as anything but favorable for the sheep interest.

True, the drought of the past summer in the food-producing States has had the effect of curtailing the feeding operations of our Colorado neighbors, with the result to New Mexico that many sheepmen carry their lambs into the winter, and those who did sell received a price below that of former years. But the yearling mutton market of the coming springtime promises well, and the New Mexican is not dismayed.

In cattle there is much that pleases and but little to vex. Range interests have not suffered from the operations of the past twelve months. There has been some controversy with the Government concerning the maintenance of drift fences, but a truce now exists. It is true that a few of our cattlemen refused tempting offers for their steers during the months just past, but they are scarcely to be blamed for this, for reports floated down to them from out of the parched districts of Kansas that things were dry up there; that there was much stock, and it was dry; and as pulpit, press, and campaign orator had pointed out to these same cattlemen the hideousness, the grand larceny, of "watered stock," they very naturally concluded that if stock with water in it was such a fearful thing, stock "unwatered" must indeed be about the proper article, and prices would soon soar. So they waited; some of them are waiting yet, gentlemen, and will continue to wait until the springtime comes.

So much for experience; but the man who would pave the way to office by portraying the iniquities of "watered stock" should seek other fields than New Mexico, for there he will find but few ears that will bend to listen. But these are all temporary matters. The cattleman, like his brother the sheepman, will have his fresh inning when the spring grasses grow. The permanent fact, which stands forth prominently and positively, is the evolution which is rapidly taking place in the live-stock industry throughout the entire Southwest. The Hereford, the Shorthorn, the Durham, is supplanting the long-horned, dun-colored aborigine. The alfalfa breeding farm is bringing this about. The range business in the immensity of former years is waning.

The small man, the man with a few hundred head of stock, is coming in fast, and the "king," the man whose sway, in days now dead, none dared to dispute, is relinquishing part of his range to the newcomer. The hour has struck that marks a change in the live-stock industry in New Mexico, and the wise man is he who, hearing the stroke, prepares to fit himself to the new conditions.

New Mexico just at this time desires two things. The first, that the public domain within their borders be left as now, unleased, unfenced, and free to the home maker and the small stock owner. It is these that are pushing the Territory to the fore, and through them is to be worked out the great future of the "Sunshine State."

And second, gentlemen, above all else, we want to be admitted to the brotherhood of States. Sisterhood of States is a misnomer. It should be the brotherhood of States and the sisterhood of Territories. The boys have so many more privileges than the girls. We have all the sisterly privileges we want. We want to drop the skirts and be a boy; to be in a position to stay out late at nights; to run our own institutions; to revile the party in power, if it pleases, without the fear of being spanked and having our offices taken away. We want to put on long trousers and talk back to the old man.

In truth, we're in the position of the little girl who, being interrogated by a certain divine, was asked if she knew she was to be born again. She replied that she did not, but as the possibilities of the event filled her, she added quickly, "Please, sir, if I am, I should like to try it the next time as a boy."

New Mexico is ready to be born a boy.

But in all seriousness, gentlemen, New Mexico is entitled to a star on the Starry Banner. There are few Commonwealths that brought such a heritage into the Union as New Mexico may bring. A population of 225,000; a taxable wealth of \$150,000,000, colleges, charitable institutions, public schools; a glorious history, a peerless climate, limitless resources, are a few of the things New Mexico boasts of, and these but few of the 32 States possessed that have been admitted to the Union in the last century, at the time of their admission.

New Mexico is a true and worthy candidate, and knocks for entrance.

NO LEASING LAW—SOME REASONS FOR OPPOSITION TO PROPOSED FEDERAL LEGISLATION.

[Silver City Independent.]

The question of the adoption of a Federal law providing for the leasing of the public domain is again being agitated, and the people of New Mexico will, as heretofore, stand almost as a unit in opposition thereto.

While inviting capital to New Mexico and holding ourselves ever ready to enact laws to protect all proper investment here, we feel that the bona fide settler is to us of the first importance, and we must guard with suspicion any movement which would further concentrate large holdings of real estate under a single control, and we apprehend that the leasing of the public lands would have this tendency.

A direct effect of such leasing would be to curtail the area now open to homestead settlement, to drive out the small cattleman and farmer, and to make pasture land of river bottoms which are irrigable and could be used for agricultural purposes, and thus discourage or forestall the settler of moderate means.

We feel that no leasing law can be so guarded that it will not be subject to abuse, and to be open to methods by which large areas may be controlled to the exclusion of the settler and small operator. In fact, the entire theory of those who favor such leasing is predicated upon the assumption that, under the law, just that result can be accomplished, if not by direct, then by devious methods.

We feel that we have reason to apprehend that a leasing law would result in the inclosing of our smaller water courses; the fencing of mountain passes and adjacent valleys in such manner as to deprive small cattle owners of fields of operation, and ultimately drive them from the business; would place large operators in a position of absolute control, and finally, would result in so curtailing the land which is irrigable, or which could be brought under irrigation and which is now open to settlement, that no places for homes would be left to the immigrant desiring to settle in New Mexico.

EMERGES FROM DARKNESS—THE AMERICAN CATTLE GROWERS' ASSOCIATION LAND-LEASING BILL—PROTECTS BIG OWNER, KILLS SMALL ONE.

Here is the bill for the leasing of the public domain which the committee appointed by the American Cattle Growers' Association—a corporation organized and existing solely for the purpose of forcing a measure through Congress permitting leasing—framed, and which has already been offered in Washington for Congressional action.

The committee consisted of John P. Irish, of Oakland, Cal.; Henry M. Porter, Denver; A. B. Robertson, Colorado, Tex.; Bartlett Richards, Ellsworth, Nebr., and M. K. Parsons, Salt Lake City, Utah.

It will be remembered that this committee, immediately after its meeting in Denver, announced through the public press that it had been unable to agree upon a bill, when in truth this identical bill was then and there drawn and sent on to Washington by special emissary. So much for the good faith of the committee and the right it has of public confidence.

Editorially, in this issue, the Argus points out the dangers of the bill, showing that it is one drawn solely in the interest of the big man and syndicates, and means destruction to the interests of the small stock owners.

THE BILL AS DRAWN.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all vacant public lands west of the one hundredth meridian west from Greenwich shall be leased for stock-grazing purposes, subject to right of homestead and mineral entry under existing laws of the United States, and when so entered to be canceled from the lease.

SEC. 2. Leases of such lands shall not be subject to bid. The uniform rental shall be two cents per acre per annum, payable annually in advance, and preference for such leases shall be given to owners of cultivated agricultural land for leasable lands abutting upon their freeholds in proportion of ten acres of leasehold to one acre of freehold.

A like preference of ten acres of leasehold to one acre of freehold shall be given to stock growers who are also freeholders; this preference shall apply only to lands within the counties upon which their stock habitually range. If in case of either of the preferences above provided there shall not be sufficient leasable lands in the county to give each person entitled to the preference the maximum proportion of ten acres to one, then said lands shall be prorated between the persons entitled to such preference. The further preference to lands not leased under the foregoing provisions of this section shall be given to stock growers who were in actual use and occupancy of said lands during the year ending on January 1, 1901, to be leased to them in proportion to their respective interests in and use thereof.

Where the States lease State lands the bona fide holders of such State leaseholds shall be beneficiaries of the preference given above to stock growers who are also freeholders; provided, that such State leaseholds are not held by any one person in tracts exceeding six hundred and forty acres in any one body. Freehold rights under this section shall not apply to town site property, nor to any lands deriving title from Spanish or Mexican grants.

SEC. 3. All leases to run ten years, with the privilege of renewal for a second term of ten years, the first lease having the preference for such second term, provided he shall have complied with the requirements of this law and the terms of his lease, and has not allowed his leasehold to deteriorate.

SEC. 4. The revenue derived from the leases herein authorized shall be paid into the Treasury of the United States, and the net revenue, after deducting the expense of administering this act, shall be held in trust to be paid to such States and Territories wherein the leaseholds are situated as provide a State engineer and other proper means for developing the same to the diversion or storage of water and its distribution for irrigation of agricultural lands. Only such revenue as is derived in any State or Territory shall be returned to it for such purpose.

SEC. 5. The Secretary of the Interior shall have the power to cancel a lease when its holder shall become ineligible, and shall administer this act, making all needful rules and regulations for that purpose.

SEC. 6. Nothing in this act shall deprive the United States of control of all reservations for any purpose, now existing or hereafter created.

SEC. 7. This act to take effect and be in force from and after its passage.

NEW MEXICO DEMANDS STATEHOOD OF THE FIFTY-SEVENTH CONGRESS—THE REASON WHICH PROMPTS THE LAW.

The question of a national lease law has at least two sides, like most other questions. Probably such a law could be devised that would give satisfaction to a large majority of stock owners. What objection would there be to such a law if it provided, for instance, that in the leasing of the public domain preference should be given to bona fide residents of the county in which the land lay and that the revenue from such source should be given to the State or Territory in which the land lay, for some specified purpose?—[Socorro Chieftain.

For the reason that within a short space a few men or corporations would control all the land in the county. It is for the very purpose of such control that a lease law is being urged. The cattle owner whose holdings are large, and who controls by consent large areas of grazing territory, reads the handwriting that his holdings must be decreased and the area of his occupation diminished. The increasing encroachment of the small stockman—and the small owner is the one who benefits a country—brings this painful fact home to him forcibly and undeniably. Admitting, and meeting the vexatious situation, he seeks to retain by a lease law a domination that under present unrestricted grazing privileges is slipping away.

Free range allows the small man to come in and have part and benefit of what is now largely shared only by a few. A lease law would allow the fencing and control of these large tracts of land and the utter obliteration of the small stock owners. Mark it, that the men who are advocating the beauties of a lease law will never consent to the passage of a bill that does not provide for large holdings. The proximity of small holdings, under present conditions, is the impelling force that causes clamor for a lease law.

WHAT THE RESULT WOULD BE.

On the first page of this issue The Argus presents the bill providing for the leasing of unoccupied public lands, drawn by a committee named by President Lusk, of the American Cattle Growers' Association, and which bill is now upon the Calendar for Congressional consideration.

In as brief a manner as possible, The Argus desires to point out the features of this bill which go to substantiate and confirm statements made from time to time in this journal, viz, that the men who are urging the inauguration of a plan for leasing the public domain are influenced by a desire to continue present large holdings to the live-stock syndicates and corporations, and to effectually bar the spreading and advancement of the interests of the man whose holdings are small.

The bill is ingeniously and insidiously drawn, and to the man unfamiliar with conditions as they exist to-day throughout the entire Western country will present itself as a very fair and equitable measure. But note:

In the first instance there is no restriction upon the number of acres a man may lease. It may be one or a million acres. The part that stamps the bill with an appearance of fairness is that which gives preference to owners of "cultivated agricultural lands" and to "stock growers who are freeholders," "in proportion of 10 acres of leasehold to 1 acre of freehold."

Now, if the country was thickly settled there would be but slight objection to this bill, for the unoccupied public land would then be distributed equally among bona fide freeholders. But this country is not thickly settled; on the contrary, it is sparsely settled, and there's the rub, and the iniquitous effect of the bill stands forth, for note the provision which follows: "The further preference to lands not leased under the foregoing provisions shall be given to stock growers who were in actual use and occupancy of the said lands during the year ending on January 1, 1901."

Now, to make this provision clear and to show what the result of its application would be—to bring it close home to the people—the Argus will cite for example one of the cattle combinations operating in Eddy County—the Hat Company. This company, during the past year, controlled some 700,000 acres of range. Of this it owns in fee not to exceed one section. Under the proposed bill, for this one section, the company would receive 6,400 acres of lease land. To the best knowledge of the Argus, there are no other freeholders within the bounds of this 700,000 acres to participate in the distribution of the lease lands.

Then, there being no other freeholders, after setting apart the 6,400 acres for the Hat Company, the land would go to the "stock growers in use and occupancy for the year ending January 1, 1901." Under this provision, who would get the 700,000 acres of land at the lease price of 2 cents an acre?

Other than the company named, there are few owners of ranging stock on the immense area in question, and what few there are have holdings so small that even

if they received "in proportion to their respective interests," as the bill provides they would receive but a comparatively small acreage. And note, too, that the occupancy which determines the preference is, by the bill, dated back one year, so that at that time there were even fewer bona fide occupiers than now.

It is clear, then, and so manifest that anyone can see, that almost this entire 700,000 acres of grazing land would pass into the absolute control of the Hat Company for ten years, with privilege of renewal of lease for an additional ten years. The effect of this would be to completely shut out the small stock owner, who under present conditions can come in and establish a ranch where it pleases him; and by such exclusion destroy the very element necessary to the advancement and prosperity of the western country—settlement and population.

True, this leased land is subject to entry at any time under the homestead law; but imagine the predicament of a man with 160 acres of land—and it must be fenced, for if he did not fence it the company would do it for him—in a 700,000-acre pasture, and acquiring his freehold after the lease had been made to the cattle company, he could not secure an acre of grazing land by lease to occupy in connection with his homestead.

Now, this is the bill that is being heralded as the one for the benefit of the small stock owner, and the one under which he is to prosper and be well taken care of, and to know just where he is "at." And if it becomes a law he will know, too, for he will be just outside that 700,000-acre fence.

Think it over, you men of small herds and flocks, and you, men of commercial pursuits, and ponder if present conditions are not more for the general good, the advancement and upbuilding of all material interests, than those which would inevitably result from such a measure as the one proposed.

AN EXAMPLE—HOW THE LEASE LAW WOULD WORK AGAINST SMALL CATTLE OWNERS.

The following significant note is taken from the Denver Field and Farm:

"Early in the spring the Circle S ranch in New Mexico was sold by A. Strousse to Curtiss & Morse of the Horseshoe ranch. The latter company, during the summer, drove their cattle north for pasture, and during the absence fifteen settlers moved in and took up homesteads on the ranch. The pasturage is especially fine there this year, and the new settlers each have a small bunch of cattle, which they take care of on their homesteads. The Circle S ranch embraces a tract of land 5 by 10 miles."

Under a lease law these small men would have been barred out, as the Circle S would have legal control of the tract. Now, which is the most beneficial and advantageous to the Territory—fifteen small settlers or one immense ranch corporation?

The small men seem to be doing very well without a lease law, and yet the syndicates who are urging the passage of one claim it is mainly to benefit the small man.

[Carlsbad, N. Mex., Friday, June 14, 1901.]

LEASING PUBLIC DOMAIN—THE INTERSTATE LAND COMPANY IS MAKING LEASES TO CATTLE-MEN UPON WHAT AUTHORITY?

It was the general impression that when the Interstate Land Company, officered by Charles Goodnight, of buffalo fame, as president; J. F. Hadley, president of the Bank of Cripple Creek, secretary; George R. Collins, of Kansas City, treasurer, and Alex Graves, of Kansas City, general counsel, took its departure from Carlsbad in August of last year, after an ineffectual attempt to lease Government land to the cattlemen of this vicinity, claiming title under an old Mexican grant, that the end, so far as the continued insistence of that company to title to land which the United States Supreme Court, after mature deliberation, decided it had not a shadow, was about reached.

That such a supposition was based upon a most mistaken state of facts the letter which appears upon this page clearly demonstrates. It would seem that the Interstate Land Company merely retired from Carlsbad temporarily, in order to get a fresh hold.

As will be seen from the letter in question, the company, through its agent, Frank P. Morgan, late live-stock agent of the Santa Fe and Pecos Valley and Northeastern, is "prepared to lease pastures on what is known as the Beale's grant of land in the Territory of New Mexico."

The statement by the Interstate Land Company that it is prepared to lease land, and as a matter of fact is actually leasing, is most refreshing when it is recalled that in 1891 the United States Supreme Court, through Justice Lamar, handed down an opinion declaring the grant under which the company claims title null and void. The title of the case involving this decision was *The Interstate Land Company v. The Maxwell Land Grant Company*, and it is found in the 139th United States Supreme Court Reports, page 659. It was an appeal from the United States circuit court of Colorado. Alex. Graves and William Warner represented the Interstate Company and Frank Springer the Maxwell Company.

That *Argus* readers may have an epitome of the case, the following is taken from the *Argus* issue of August 24, 1900, the date the Interstate company was in Carlsbad with a bundle of leases to give title to whosoever would come up with the lease money. The history of the case is:

The Interstate people brought suit in equity to try title to a large tract of land in Lamar County, Colo. The land in dispute was part of the original Maxwell grant, in Colorado and New Mexico, which was held to be valid and confirmed by act of Congress June 21, 1860. The original owners under this act were Beaubien and Miranda, and the grant was made in 1841, and confirmed by Congress as coming under the treaty of Guadalupe Hidalgo.

The Interstate company, however, claimed title to the same land under a grant made to John C. Beales and Manuel Royuela, in 1832, by the government of Coahuila and Texas, embracing a section commencing at the thirty-second parallel line on the south (a little below the New Mexico line) and extending north to within 20 leagues of the Arkansas River, in Colorado. The eastern boundary of the tract would be the eastern boundary of New Mexico, and its width nearly the whole Territory. Of course this antedated and included the Maxwell grant. The Supreme Court held that as the Beales-Royuela grant was an empresario or colony contractor's grant, and as the conditions of settlement were unfulfilled, said grant was null and void, and sustained the judgment of the lower court against the appellants, the Interstate company.

Since the above decision was rendered the matter has not again been in court. It would seem, then, to a lay mind, that if the decision of the Supreme Court is of any value, and there is a disposition among a great number of people to recognize the opinion of this great judicial body as of some weight and importance, the Interstate Land Company is in truth offering to lease Government land. The Supreme Court said to the company: You have no title; your grant is without effect. Clearly, then, if the title was not in the company under the grant it was in the United States. And now, without the matter having been again passed on, the Interstate Land Company announces that it "is in shape and prepared to lease pastures on what is known as Beale's grant of land in the Territory of New Mexico."

Truly the assurance, the nerve of the company, is not its least asset. It will be remembered that at the time of the operation of the company in this immediate vicinity, the cattlemen contemplating leasing therefrom employed the local law firms, Freeman & Cameron, Gatewood & Bateman, of Carlsbad, and G. A. Richardson, of Roswell, to represent them, and to investigate and ascertain just what kind of a title the company in fact had. The attorneys, wholly without the assistance of the company's counsel, Mr. Graves, investigated all the papers, discovered the Supreme Court decision in question, and very promptly announced that the company was without authority to execute leases, and then very positively declined to assist in the plan outlined by Mr. Graves to get the grant into court and establish it, and returned the retainer fee already paid them.

Despite the opinion of local legal representatives, and despite the sententious and expressive remark in an unguarded moment of Mr. Graves, the company's counsel, that the Supreme Court whipped us from hell to breakfast, the company is apparently acting upon the assumption that its title is unquestioned, and is executing leases for land to which clearly it has no more claim than the most humble citizen of New Mexico.

The *Argus* learns that it is the contention of the company, and the stockmen leasing from it, that new evidence has been secured, and that an effort will be made to have the case reopened.

The *Argus* further learns that it was upon the presentation to the Interior Department of the papers under which the company claims title, coupled with the statement that vital testimony had been discovered and an immediate effort would be made to perfect and establish the title, that the order requiring the immediate removal of the drift fences from the public domain was suspended for one year.

The situation in August of last year justified the assumption that it was the people and the stockmen against the grant company. The situation now seems to indicate

that it is the grant company and the stockmen against the people. Rumor has it, and the Argus gives it for what it is worth, that the money derived from leases now being made (and many stockmen are leasing), the total aggregate of which is estimated to finally reach \$80,000, is to be expended in an effort to fight the grant through the courts, through Congress, or through any other tribunal that gives promise of confirming the grant either in whole or in part.

The stockman figures that while the legal battle is going on he will be left in undisputed possession of the land, and that to that extent he will benefit, even if defeat comes as a finality. While, if the company should by any possibility be successful, he becomes possessed of that lease, which is so dear to the hearts of the big companies and corporations.

Whether these schemes can all be carried out as planned remains to be seen. The intimation held out in the letter from Mr. Morgan that lessees can fence, if acted upon, may involve the lessee at once with the Government, which will very probably not only insist that he take down the pasture fences, but his drift fences as well.

The Argus wishes to call to the attention of the people of New Mexico, and especially those of the Pecos Valley section, the disaster and chaos which would result to all interests should the manipulators of this grant by any chance secure a confirmation of even a part of it. Every reason is against such a contingency, but it behooves the people to be alert, to not sleep on their right, and to see to it that the proper Government officials have all necessary information of the local status here.

The Argus can say authoritatively that there is no disposition upon the part of the people to fight or in any manner seek to cripple the stock interests, and in so far as a reasonable and proper number of drift fences are necessary, they will assist the stockmen in every legitimate way to maintain them; but they are not going to assist them in securing the confirmation of an old, obsolete, Mexican grant, that would allow a small body of men to control the entire country, say who should and who should not have a residence therein, and assist to ruin all other interests that the big cattle corporations may wax strong and rich.

WHAT IT MEANS.

The efforts being made to secure confirmation of title to the old Beale grant, a Mexican concession, which embraces the Pecos Valley country, Texas, and a great portion of New Mexico, are induced by two possible legal contingencies: The financial gain which will result to the men leasing under it, and the hope that such action in connection with the aforesaid establishment will in some manner or other be productive of a national lease law. The desire for a new law upon the part of the corporations whose holdings of stock total large is the impelling force in the grant matter at this time. They have never ceased to desire, nor work for, a law that will permit them to control the public domain. The present Congress will be asked by these people to enact such a measure. Systematic work to that end is now being vigorously prosecuted.

The disadvantages of a national lease law, both to the small stock owner and to the commercial and agricultural interests, have been convincingly demonstrated by the press of New Mexico, and it is quite certain that the people of the Territory are overwhelmingly opposed to the creation of such a condition. The Argus will have something more to say on this proposition a little later, and will show what is being done by the advocates of the lease law to secure its creation.

The important point now is for the opponents of the measure to combine, that they may successfully combat the work being done in its favor.

ROSWELL, N. MEX., June 4, 1901.

JOE JAMES, *Carlsbad, N. Mex.:*

I wish to state that the Interstate Land Company are in shape and prepared to lease pastures on what is known as the Beale's grant of land in the Territory of New Mexico. I think it would be well for you to take this matter up with me as early as possible, if you wish to hold your pastures and keep up your fences. I am the general agent for said company, with full power and authority to lease their land. If you wish, you can have a talk with Mr. Allen Heard, at Carlsbad, relative to this matter, as he has been here to-day to see me and will lease his pasture. I feel sure that it will not pay you to delay this matter.

Yours, truly,

FRANK P. MORGAN.

Thereupon the committee went into executive session.

STATEMENT OF MR. GEO. H. MAXWELL, CHAIRMAN OF THE NATIONAL IRRIGATION ASSOCIATION.

MAY 2, 1902.

In the matter of your bill for the leasing of the grazing lands, I take the liberty of inclosing a clipping from one of my papers in which I have marked the reference to the suggestion that any grazing right should be made appurtenant to the farm, instead of being a personal right.

If you will permit the suggestion, it does seem to me that the advantages of a permit system over a leasing system would be very great, although the lay mind would see little difference between them.

A lease would create an interest in the freehold, and no matter how fraudulently it might have been acquired or how much its provisions might have been violated, it would be a difficult and long-drawn-out process for the Government to cancel the lease. On the other hand, a permit would be revocable by the Department at any time that its provisions were violated, and being once revoked all rights of the Government would be restored and the burden would be on the offending individual to get another permit issued if he could.

I inclose copy of a memorandum which you very likely may have seen, which was not prepared by me, but which to some extent proceeds along the lines suggested in my editorial, and I think this memorandum contains some meritorious suggestions.

Mr. C. E. Wantland, of Denver, who is a strong advocate of leasing, is a great advocate of what he calls the "local option" plan; that is, leaving it to the citizens of any given county or locality to determine for themselves whether any system of grazing privileges should be inaugurated there. I inclose a copy of an address by Mr. Wantland, which shows that he has given the subject much thought.

I think nearly everyone agrees that the time is near at hand when some system of range control should be inaugurated, but the trouble with the proposition is, that the more one studies it the more one sees the danger that the inauguration of any system that can be devised may be so abused in its administration and enforcement, as other land laws have been, that it would result in retarding the development in the West to such an extent as to be of doubtful practical value.

We do not want to get out of the frying pan into the fire, and in some of the States, Montana, for instance, there is such a rapid settlement going on that those most interested in the development of the State are opposed to any system of range control which has yet been suggested.

It seems to me that your bill, which, however, I have not yet had the time to examine with care, contains the kernel of truth which must control the evolution of any system of range control; that is, that it must be so devised as to, absolutely and beyond all possible peradventure of doubt, protect the small settler, and also to encourage the further settlement of the country by more small settlers, and, as Shakespeare says, "there's the rub."

Very truly, yours,

GEORGE H. MAXWELL.

The American Cattle Growers' Association has proposed a leasing bill for passage in this session of Congress.

It is a unique measure. If it became a law it would put a stop to all settlement or reclamation of any of the arid public lands for at least twenty years, and vest the exclusive right to their occupancy for grazing purposes in those who would now be entitled to lease them under the provisions of this bill.

It is true that the bill provides that the revenues for leasing shall be expended by the Secretary of the Interior "in providing such water storage and irrigation works in the arid and semiarid regions as are necessary for preparing the public arid and semiarid land for settlement under homestead act."

But what land would the Secretary of the Interior prepare for settlement?

As soon as this bill became a law all the irrigable arid public lands would be immediately leased and fenced up, and there is no provision in the bill reserving to the Government any right of entry for the construction of any irrigation works necessary to prepare the land for entry under the homestead act, or of the lands necessary for right of way, operation, and maintenance of such irrigation works.

As the bill is drawn, the provision that the land shall be "subject to the right of homestead and mineral entry under existing laws of the United States, and when so entered to be canceled from the lease," would prevent any modification of the homestead law necessary to adapt it to the conditions necessary for reclamation and settlement under Government irrigation works.

The fact that the leased lands would remain subject to homestead entry under existing laws hardly rises to the dignity of a farce. Everyone knows that the stockmen who now occupy the public lands of the West have control of practically all the water supplies, and that the lands are not available for homestead settlement for this reason. Under this bill no homestead settler would ever interfere with the leased domain of the stock grower.

Another most important point to be considered in connection with this measure is that the rental is a merely nominal one, and a comparatively small area would be leased by the small settlers. The remaining public lands would be leased in immense ranges and fenced in against settlement by powerful interests, which would, beyond the shadow of a doubt, organize and spend any amount of money necessary to defeat any proposed plan of reclamation, even though such a plan were made possible by a modification of the bill.

The fact should never be lost sight of that the source and inspiration of every serious opposition to the national irrigation movement has been the interests which are now behind this leasing bill. They have tried by every scheme which ability and ingenuity could devise to get the National Government to surrender control of the public domain, or of its reclamation, to the States. They have done this because they believe, and believe rightly, that they could control State legislatures when they could not control Congress or the Departments at Washington. The ingenious persistence and tenacity with which they have held to this proposition proves that they are playing for a great stake.

The provision of this bill giving a preference to small owners or growers is a sop to the small settlers in the grazing regions who have fought leasing so determinedly in the past. The owner of a freehold can only lease lands abutting on his freehold and within the same county, and then only 10 acres of leasehold to 1 acre of freehold. Thus, a settler owning 160 acres would only have the right, as such owner, to lease 1,600 acres of grazing land. A large owner, and there are many of them, owning, say, 100,000 acres, could lease 1,000,000 acres for ten years, with the privilege of renewal for ten more. In many cases these large owners have title to a narrow strip of land running for miles on both sides of a stream of water, and could therefore lease the range running back from the stream for long distances, the only limit being the county line, and in many of the range States the counties are larger than some of the Eastern States. The preference right given to stock growers now using the land may be exercised over any area, in any county or State, and the large single owners and companies, the big outfits ranging over hundreds of thousands of acres, would undoubtedly absorb under leasehold enormous areas which they now use or claim to use. If any conflicts arose between the small settlers and the big outfits as to the right to lease, the settlers would get the worse of it, and no one knows this better than the settlers themselves.

As a general thing the big outfits control the water supplies, without which these lands are worthless for grazing or for any other purpose, and the only way by which they can be made available for settlement is by the construction of reservoirs and canals by the National Government, as advocated by the National Irrigation Association and recommended by the President in his message and the Secretary of the Interior in his annual report.

Under the provisions of section 3 of the bill the leaseholds would become practically vested rights of exclusive possession for twenty years, and all possibility of any further reclamation and settlement of the public lands would be absolutely barred for at least that period of time.

Any bill for the control of the range should be along the following lines:

No leaseholds should be created.

Grazing permits might be granted under some such plan as the following: The owner and occupant of 160 acres of agricultural land to be allowed an exclusive grazing permit over four sections—2,560 acres—to be selected wherever he chose, with privilege of fencing, and subject to cancellation only for purposes of reclamation and actual settlement.

Any number of settlers desiring to do so to have the right to combine their permit privileges under some cooperative form of use of the range, so that all the settlers in a single valley or within a given grazing area could be given the exclusive right of occupancy and control in common. Thus, 100 settlers would be entitled to exclusive grazing permits over 256,000 acres of grazing land, which they could inclose with a single fence, or at comparatively small expense herd their stock within this area.

These grazing privileges, to which each settler would be entitled, should be inalienably appurtenant to the farm, and nonassignable except with the farm, and no one settler should be allowed to hold more than one grazing permit. This would enforce a continuation of small holdings of both farms and grazing lands.

The excess area of grazing lands remaining after all settlers now in the region had secured their appurtenant right might be apportioned in areas of any extent to present users under grazing permits, but such permits should be subordinate to the right of any new settler at any time to secure out of this excess area his appurtenant grazing privilege of four sections.

It is true that such a plan as this would not suit the more grasping of the large stock growers, but it would promote the reclamation of the irrigable lands and their settlement, and would bring about a gradual subdivision of the range, so that when the irrigable lands were all reclaimed the range would be subdivided into a multitude of small holdings capable of the highest care and productiveness, and without any interference with any vested right the reclamation and settlement of the arid public lands would have been accomplished.

A SYSTEM OF GRAZING PERMITS FOR THE NONIRRIGABLE PUBLIC ARID LANDS.

1. Those portions of the arid-land States containing vacant public lands more valuable for grazing than for forest purposes or agricultural settlement to be divided into districts, to correspond as closely as possible to the outlines of the ranges now actually in use by communities of stockmen.

2. After the establishment of such a district and the issuance of ample public notice of its boundaries, no one shall enter upon such lands for the purpose of grazing stock thereon without a permit.

3. The permits to be issued to a particular individual and to grant an exclusive grazing privilege over a specified tract and for a limited period, say five years.

4. The area to be included in each permit to be regulated as closely as possible, so as to accommodate the stock of the present actual occupants of the range who may be entitled to permits.

5. One sort of permit, to be called, say, an appurtenant permit, to be issued only to persons owning (or homesteading), occupying, and cultivating agricultural land in the district, to be appurtenant to the land, and nonassignable except with the land, and no person to hold more than one appurtenant permit.

6. Another sort of permit, to be called, say, a residuary permit, to be issued in case the appurtenant permits do not use all the land in a district, and only one residuary permit to be held by one person or corporation.

7. Appurtenant permits to be for areas of some size limited by the needs of the small or average stockman, a size that can only be ascertained by a careful consideration of the best interests of the development of the stock-range region.

8. The lands covered by an appurtenant permit to be open for right of way for irrigation improvements, for bona fide mineral or homestead entry, under such conditions as will prevent the improper use of such entry rights, or for any public purpose.

9. The lands covered by a residuary permit to be subject to the same conditions and also to the issuance of an appurtenant permit to any person who has acquired title by homesteading or otherwise to an area of agricultural land which he is occupying and cultivating within the limits of the area covered by the residuary permits.

10. Holders of permits may fence their lands separately, or in common, or not at all.

11. A person making a bona fide homestead entry in an area covered by a residuary permit to be allowed sufficient range for his ordinary farm animals.

12. The option of renewal of a permit to rest with the holder, except that the holder of a residuary permit may have the right of renewal only for such area as is not used in the issuance of new appurtenant permits.

13. The fees for permits to be set at such a figure as to produce the revenue estimated as necessary for administration of the system.

14. If in any part of the range region public sentiment is opposed to a permit system, on account of the precarious character of the water supply, or for any other reason, the establishment of grazing districts may be indefinitely postponed and the range left open as at present.

ADVANTAGES OF RANGE CONTROL—ADDRESS OF C. E. WANTLAND, BEFORE THE AMERICAN CATTLE GROWERS' ASSOCIATION, MARCH 5, 1902.

[From the Commercial, Denver, March 24, 1902.]

One of the best arguments in favor of range control was made by the Secretary of Agriculture in his report for 1899, in which he said:

"I have looked carefully into the conditions of the ranges in most of the States west of the Missouri River. The Department of Agriculture has been conducting

experiments in most of these States with native and imported grasses, through the experiment stations, private individuals, and sometimes under the direct management of its own officers. Injudicious grazing has greatly impaired the capacity of the ranges to produce meats. Careful inquiry shows that in many cases the ranges do not support more than half the meat-bearing animals they did ten years ago. These ranges have been overstocked. The grasses have been eaten bare and pulled out by the roots. Where formerly nutritious grass supported a large number of animals there is now left nothing but a desert of drifting sand.

"The principal reason for this condition of the ranges is undoubtedly that no single individual has an interest in any one part of the public domain. The object of the flock master is to secure all the grass possible, irrespective of the effect it may have on the future condition of the pasture. Thousands of sheep that can not find grazing on the plains are being taken into the innermost recesses of the mountain systems.

"It would seem wise to inaugurate a more sensible policy regarding these public grazing lands. They should be rented to individuals in sufficient large areas and for a sufficiently long time to induce the lessees to give attention to their improvement. The title should remain in the United States, so that the homesteader might have the opportunity, under such conditions as would not interfere with the renting, to make settlements whenever practicable."

In advocating land leasing before the Fort Worth convention in 1900, I quoted this and asked: "Will this convention call the Secretary of Agriculture either a liar or a fool?" I repeat the question now.

The Fort Worth convention adopted the following:

"Resolved, That such of the public lands of the United States as are adapted for grazing should be subject to lease by stockmen, who are citizens, at a reasonable rental, and under such conditions as will tend to preserve the grasses from destruction and improve the value of the grasses thereon."

You all remember the opposition which followed the action of the Fort Worth convention. It drew the fire, as some of us hoped it would. It brought to light the facts concerning the whole situation. It scared politicians into declaring they were all unalterably opposed to any plans for leasing the public domain, and the governors of the Western States in convention at Salt Lake were bulldozed into declaring that the existing public-land laws were all right. But a great change of sentiment is now noticed. Only two years have passed and hundreds of the very men who opposed all plans of control are now outspoken in favor of immediate action.

The Secretary of Agriculture in his recent report renews his recommendations for lease control. The object lessons provided by forest-reserve regulations are having an effect.

The president of the Colorado Cattle Growers' Association said in his address yesterday:

"Your executive board has been at work trying to devise some plan by which the vexed question of land leasing may forever be put to rest. I am pleased to notice that much of the intense, bitter feeling on this question has subsided, and leaser and antileaser are now discussing the question in a spirit of fairness and with an honest intention to solve the question, if possible, for the best interests of the entire industry."

I assert without fear of successful contradiction that more than 75 per cent of the stockmen of the West to-day are in favor of a radical change in the situation and will favor any plan they believe to be fair. They know the ranges are being damaged and under present conditions can not be improved. They also know that the people of the entire country are waking up to the importance of the whole public-land question, and unless the ranges are put under control quickly by action of stockmen themselves it will be done by other interests, possibly on a basis not so satisfactory to live-stock owners.

Are object lessons and illustrations needed in favor of the advantages of range control?

In October, 1900, a bulletin was published by the National Live Stock Association, giving the Australian land laws, under which the range problems in that country had been satisfactorily solved many years ago.

Texas has had lease laws for many years and the Texas stockmen and taxpayers who object to them are few and far between.

Texas has under lease about 15,000,000 acres and receives about \$500,000 per year in rentals from this source. She boasts of a magnificent school fund, the great feature of which is the revenue from her grazing lands, as one-half of all the public lands of the State were set apart by constitutional provision for school purposes.

Many of the conditions found in Texas are similar to the conditions in some of our public-land States.

In districts where farming is feasible, leases are made subject to homestead entry, and the homesteader has the right to run within leased pastures a proportionate number of cattle. Driveways are provided and most of the objections usually brought against all lease plans here have been successfully met in that State.

In Wyoming the annual revenue from leases of lands owned by the State is on a basis of nearly \$150,000 per year, and applications are on hand for many millions of acres which can not be supplied. Small owners are more anxious to secure leases than large ones.

In Colorado more than a million acres of State lands are under lease, producing an annual revenue of about \$100,000. About 2,000,000 more are owned but are not leased at all.

Do the lessees of State lands think it is of no advantage to control these lands? If so, why do they not drop them?

In Colorado, Wyoming, and other public-land States the best use can not be made of school lands because they are disconnected.

If the public government lands were under control, more school lands could be leased and greater revenue would be secured for the support of educational institutions. A fight against control of public lands is therefore a fight against the schools of the State, and stockmen will do well to remember that taxpayers generally are beginning to tumble to this situation.

Hundreds of stockmen along the line of the Northern Pacific and Union Pacific railroads, who for years opposed all leasing plans, have tried and now favor lease control.

During the past few months, in Carbon and Sweetwater counties, Wyo., associations have been formed among sheep men who have leased from the Union Pacific about 1,000,000 acres of desert lands—winter range—the hardest class of land to handle because there is practically no water available and the sheep have to depend upon snow.

They have organized thoroughly among themselves, issued licenses to their herders, employed range riders, and handle the business on a business basis. The expense is slight and they have something they can depend upon; the grasses can be saved because they can limit the number of stock to the capacity of the land. This action was forced upon them by the conditions which had been gradually growing worse and the dangers from loss which were constantly increasing.

Have the stockmen of any other State or district any right to protest against these Wyoming men taking steps to protect themselves?

Thousands of individuals all over the West will testify that pastures under control will support a greater number of cattle or sheep than public and uncontrolled ranges, and greater actual profits can be proved in handling stock in such cases.

The difficulty in the way of lease plans has been so great that many small owners and some large owners have been afraid to advocate any change. The difficulties are great and are growing greater because of the abuse of the public-land laws, the murders and conflicts on the ranges, and the failure of stockmen to get together and settle their troubles upon some basis fair to both large and small stockmen. General timidity never won a battle. There is intelligence enough in the West to meet this issue to the advantage of all concerned.

The small stock owner, with 160 acres, has no certainty of keeping his share of the grass outside of his claim. Somebody whose home is many miles away has an equal right to it.

Uncle Sam ought to find out something definite about the differences in conditions in the different States, and the public lands ought to be classified. Where stockmen need protection from intolerable conditions, and ask for it, they ought to be allowed to have the relief needed.

To insist further upon putting a square plug in a round hole and a round plug in a square hole is not profitable.

At a recent meeting of the Western Nebraska Stock Growers' Association, at Alliance, the following was adopted:

Resolved, That it is the sense of this meeting that in view of the probable removal of fences on Government domain we are in favor of the leasing of the public lands in such manner and under such restrictions as will protect the small stock growers as well as the larger owner."

If the western Nebraska people, whose conditions are different from the conditions in other States, can agree upon a fair plan for range control in their State, to protect their interests from destruction, why not allow them to have it? Why should the stockmen of Colorado, Wyoming, or Idaho play dog in the manger and object?

Among the hardest points to be overcome in this whole mix up is the argument

of the small stock owner, that he wants the open range because he wants to expand and to also become a big stock owner.

We answer that present conditions with range conflicts and the abuse of the land laws are rapidly putting the open ranges in such shape that he is not safe in counting upon the advantages he appears to possess, and that controlled ranges will enable him to support more stock than he can under other conditions. He must also keep in mind the great and controlling fact that Uncle Sam means to dispose of the public lands for the greatest benefit of all the people; that in the prairie States which were built up by the homestead law, and in the farming districts, within Indian reservations, which are being thrown open gradually, a 160-acre tract is the limit for any one individual.

Why? Because that is supposed to be enough to enable him to make a living for himself and family. It would be just as reasonable in such a state to expect an additional tract to be withheld from some other honest settler to enable settler No. 1 to use it later on—to enable him to expand—as it is now to expect to have withheld from the use of some one else the public land in the grazing districts in order to allow rancher No. 1 to expand his operations from the conditions necessary to make a living for himself and family to the condition of a big stockman with wealth and strength enough to enable him to crowd some other poor fellow who wants a chance to get a small home free.

The live-stock owners of the West now have a friend in Washington. That friend knows the West and knows the difficulties and risks encountered by the men who raise cattle and sheep, and he is willing to do all in his power to assist in putting the live-stock industry of the West on a sure and safe basis.

If Western stockmen do not now have plain, ordinary horse sense enough to get together and push to success the proper measures to secure the relief needed, surely soon some bitter medicine must be taken without complaint, and Western stupidity will be responsible for future troubles if range conflicts and destruction are allowed to continue.

ARGUMENT OF MR. STEPHENS, OF TEXAS, IN FAVOR OF H. R. 6246, INTRODUCED BY HIM IN THE PRESENT CONGRESS.

MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: I represent the largest cattle-growing Congressional district by far in the United States. It includes the entire Panhandle of Texas and extends from Mexico on the south to the Indian Territory on the north. I am a native of Texas and have been engaged in the cattle-growing business myself. I first owned an interest in a herd in Texas, and when the Texas legislature passed a lease law, which law would compel us to pay for our grass, in order to find free range we moved our herd to New Mexico so that we could have free range.

But this move proved very injurious to us. We had no sooner landed on a free range in New Mexico and established our camps and watering places for our stock than other cattlemen and some sheepmen moved their herds into the same range and overcrowded it, and we lost a large per cent the first two years that we wintered in that Territory, and the third year we were so overcrowded that we were forced to sell out our stock and quit the business. Now, if the lease had been in force we could have leased land and become permanent ranchmen and citizens of that Territory. This personal experience and practical illustration of the disadvantages of the free-range business made me a lease-law man.

The Texas law is and has been from the first a great success and a benefit to the stockmen and to the State at large, and we derive more than \$500,000 annually as rent on these lands, which money is made a part of our available school fund. No effort has ever been made to repeal our lease law. Its beneficial working has been fully tested, and the bill I have introduced is closely modeled after our Texas law,

and in my judgment will prove as popular and beneficial as has the Texas lease law proven. My bill is as follows:

A BILL providing for the lease of the public grazing lands in the arid States and Territories of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of the General Land Office is hereby vested with all the power and authority necessary to carry into effect the provisions of this act, and shall have full charge and discretion of all matters pertaining to the lease of said lands, and their protection from free use and occupancy, and from unlawful inclosure, with such exceptions and under such restrictions as may be imposed by the provisions of this act. He shall, as soon as practicable, adopt such regulations not inconsistent with this act as may be deemed necessary for carrying into effect the provisions of this act, and may from time to time alter or amend such regulations so as to protect the public interest; but all regulations shall be submitted to the Secretary of the Interior for his approval before adoption or promulgation. He shall adopt all necessary forms of applications, leases, and all other forms necessary or proper for the transaction of the business imposed upon him by this act, and may from time to time call upon the Attorney-General to prepare such forms; and it shall be the duty of that officer to furnish the Commissioner of the General Land Office with such advice and legal assistance as may be requisite for the due execution of the provisions of this act; and it shall be the duty of such Commissioner to call upon the Attorney-General for advice whenever there is any doubt as to the meaning of this act or any provisions thereof.

Sec. 2. That any bona fide actual settler who may reside on any part of the lands the lease of which is authorized by this act at the time this act may go into effect shall have the prior right for a period of ninety days after this act goes into effect, or after said land shall have been placed upon the market, to lease such quantity of land as may be limited by this act, to include his improvements, upon complying with the provisions of this act regulating leases as in other cases, and such land shall be leased without reference to the improvements thereon.

Sec. 3. That the Commissioner of the General Land Office shall retain in his custody as records of his office all applications, affidavits, obligations, and all other papers relating to leases of said lands, and shall cause to be kept accurate accounts with each lessee. All lease money due upon lands shall be paid by the lessee direct to the Treasurer of the United States, who shall cause an accurate account to be kept with each lessee, and who shall execute duplicate receipts for all sums of money paid to him under the provisions of this act, one of which receipts shall be delivered to the lessee or his agent, and the other transmitted to the Commissioner of the General Land Office.

Sec. 4. That the public grazing lands in the arid States and Territories of the United States shall be leased by the Commissioner of the General Land Office under the provisions of this act. All grazing lands containing permanent water thereon shall be leased for a term of five years or less at not less than three cents per acre per annum, and all grazing lands classified as pasture or dry grazing lands shall be leased for a term of not more than ten years at not less than two cents per acre per annum, which rental shall be paid yearly in advance, the first payment to be made at the time the lease contract is entered into. If at the termination of any lease the lands covered thereby are still for lease, the lessee thereof shall have the preference right to again lease such lands theretofore leased by him upon the terms and at the prices then fixed by law. All leases shall be executed under the hand and seal of the Land Commissioner and delivered to the lessee or his duly authorized agent, and such lease shall not take effect until the first annual rental is paid and such lease thereof duly filed in the register's office in which the land is situated; and all leases under the provisions of this act shall be advertised by the Commissioner in such manner as he may think best, and let to the highest responsible bidder under such regulations as he may think to be the best interest of the United States. All bids and offers to lease may be rejected by him, prior to signing the lease contract, for fraud or collusion, or other good and sufficient cause.

Sec. 5. That any person desiring to lease any portion of the lands belonging to any of the funds mentioned in this act shall make application in writing to the Commissioner of the General Land Office, specifying and describing the particular lands he desires to lease, and stating whether the land is dry grazing land or land on which there is permanent water, and also which sections are dry and which watered lands (any section is a watered section, as defined by this law, on which there is a permanent spring, lake, or stream), and also stating that he is not leasing

said lands for the use of any other person or for any corporation, and that he is not acting in collusion with any other person or corporation for the purpose of procuring a large body of lands for such person or corporation, but that he applies for said land in good faith and to be used by himself only. The application shall be sworn to by the applicant before some officer authorized to administer oaths, with his seal of office attached. Any applicant making a false statement in his application shall be deemed guilty of perjury and may be punished accordingly. And thereupon the Commissioner, if satisfied that the lands applied for are not in immediate demand for purposes of actual settlement, shall notify the applicant in writing that his proposition to lease is accepted, and thereupon he shall execute and deliver to the lessee, in the name and by the authority of the United States, a lease of said land for such term as may be agreed upon, and deliver the same to such lessee when satisfied that the lessee has paid to the Treasurer of the United States the rent for one year in advance: *Provided*, That one person or corporation shall not be permitted to lease more than two sections of watered land and six sections of dry grazing land: *Provided further*, That each person shall lease three sections of dry land to each section of watered land so leased by him, if said land shall be contiguous. By watered land is meant permanent springs, rivers, streams, or lakes.

SEC. 6. That any person desiring to lease any portion of the lands aforesaid on which no permanent water supply exists, shall notify the Commissioner of the General Land Office in writing that he desires to lease lands, specifying and describing them, provided he can obtain the necessary supply of water by boring or otherwise, and that he will within ninety days lease said lands, provided such water supply can be obtained. He shall also make and file with the Commissioner of the General Land Office his bond, with good and sufficient personal security in a sum equal to one year's rental of the quantity of land applied for, payable to the United States, conditioned that he will diligently and in good faith try to secure water on such land during such ninety days, and if secured will lease the designated lands for the term prescribed herein, and thereupon the Commissioner shall for such ninety days withhold the lands thus designated from lease to any other person. Within or at the expiration of said ninety days, and annually thereafter, such applicant to lease shall pay to the United States, in advance, one year's rental of the land applied for by him, on satisfactory proof of which payment the Commissioner shall execute and deliver to the lessee a lease of the said lands, signed by himself officially, together with which he shall deliver up the bond of said lessee, marked "Satisfied." If the said lessee shall fail to apply for his lease and make the payment aforesaid within said ninety days, and shall also within said ninety days fail to make proof to the satisfaction of the Commissioner of the General Land Office within that time that he has in good faith and diligently used proper means and expended proper efforts to secure a water supply on such land and failed, then and in that case the Commissioner shall mark his bond "Forfeited," and shall deliver the same to the Attorney-General of the United States, who shall at once cause the said bond to be sued upon and collected. The penalty stated in such bond is hereby declared to be liquidated damages, and judgment for that sum shall in all cases be recovered by the United States.

Proof, satisfactory to the Commissioner of the General Land Office, that proper, suitable, and diligent effort had been made by such applicant to secure water, and that sufficient water could not be secured, shall relieve the principal and sureties on said bond from all responsibility therein, and it shall be marked "Satisfied" by said Commissioner and delivered to the principal therein. No lease of less than one section of pasture lands shall be made, unless it includes all unleased land in that vicinity. Lessees or their vendees who shall have at their own expense secured water on their leaseholds in accordance with the provisions of this section shall, at the expiration of their lease contract, have the right to a renewal of their leases for another term of five years, at the price then provided by law, by giving sixty days' written notice to the Commissioner, as provided in the preceding section.

SEC. 7. That all lessees shall pay the annual rents due for leased lands directly to the Treasurer of the United States, who shall execute receipts in duplicate for each payment made by any lessee, one of which receipts shall be delivered to the lessee and the other transmitted to the Commissioner of the General Land Office. The Treasurer shall cause to be kept an accurate account with each lessee, and the Commissioner of the General Land Office shall file in his office all applications and other papers relating to leases, and keep a record of all leases made, which papers shall constitute a part of the records of his office.

SEC. 8. That if any lessee shall fail to pay the annual rent due in advance for any year within sixty days after such rents shall become due, the Commissioner of the General Land Office may declare such lease canceled by a writing under his hand and seal of office, which writing shall be filed with the other papers relating to such

lease, and thereupon such lease shall immediately terminate, and the lands so leased shall become subject to lease under the provisions of this act. Such lease shall not be made to original lessees until all arrears are fully paid. During the continuance of all leases, and after forfeiture, the United States shall have a lien upon all property owned by the lessee upon the leased premises to secure the payment of all rents due, which lien shall be superior to all other liens whatsoever; and it shall not be essential to the preservation or validity of such lien that it shall be reserved in the instrument of lease.

Sec. 9. That lessees shall have the right at any time to purchase their leased lands, subject to the limitations as to quantity provided by existing laws, without references to any improvements made on such lands by such lessees; and all improvements made by lessees on lands leased by them are hereby declared to be personal property, which may be taxed under the laws of the State or Territory where the lands are situated.

Sec. 10. That it shall be unlawful for any person to fence, exclusively use, occupy, or appropriate by herding or line riding any portion of the public grazing lands of the United States, without first having obtained a lease of such lands in accordance with the provisions of this act. Any person, whether owner of stock, manager, agent, employee, or servant, who shall fence, exclusively use, occupy, or appropriate by herding or line riding any portion of such lands without a lease thereof shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than one hundred dollars nor more than one thousand dollars. Each day of such fencing, occupying, exclusively using, or appropriating by herding or line riding shall be deemed a separate offense, and any person so offending may be prosecuted by indictment or information in the proper court of the district where any portion of the land lies. "Fencing" within the meaning of this article is the erection of any structure of wood, wire, or both, or any other material intended to prevent the passage of cattle, horses, mules, asses, sheep, goats, or hogs, whether the same shall inclose lands on all sides or be erected on one or more sides.

Sec. 11. That the Commissioner of the General Land Office may withhold from lease any grazing lands that may become agricultural lands by irrigation and that may be necessary for purposes of settlement; and no such agricultural lands shall be leased if in the judgment of the Commissioner they may be in immediate demand for settlement, but such lands shall be held for settlement and sold under existing laws.

Sec. 12. That the funds arising from this act shall be held in the United States Treasury as an irrigation trust fund for the exclusive purpose of irrigating the lands in the State or Territory in which the leased land was situated, and shall be paid out to such States and Territories for said purpose in such manner as Congress may by law hereafter designate.

Sec. 13. That all laws and parts of laws in conflict with this act are hereby repealed.

Section 1 provides that the public lands of the United States shall be leased under the direction of the Commissioner of the General Land Office and on the approval of the Secretary of the Interior, and under the legal advice of the Attorney-General.

Section 2 gives a preference right to present occupants for ninety days to lease the lands in their possession.

Section 3 directs the Commissioner of the Land Office to procure and keep records, etc.

Section 4 provides that lands containing permanent water thereon may be leased for five years at not less than 3 cents per acre, and all dry grazing lands shall be leased for not more than ten years at not less than 2 cents per acre per annum, leases to be made to highest bidders, after due notice, etc.

Section 5 provides the kind of application that shall be made under oath by all persons desiring to lease any of such lands, stating, among other things, that he is not procuring such lease for any other person or corporation, but only for himself, and in good faith. If any party makes a false statement under oath to procure a lease he is made guilty of a felony.

One person or corporation can lease only two sections of watered *land and six sections of dry grazing land*; and if he takes one section

of watered land he must also take three sections of dry land adjoining, etc. Sections 6, 7, 8, 9, and 10 are directory.

Section 11 provides that the Commissioner of the Land Office may withhold from lease any grazing land that may become irrigable agricultural lands, and that no agricultural lands shall be leased that may be in demand for actual settlement.

Section 12 provides that the funds arising from the lease of said lands shall be used for irrigating purposes in that State or Territory.

COMMITTEE ON PUBLIC LANDS,
Wednesday, May 28, 1902.

The Committee on Public Lands this day met, Hon. John F. Lacey in the chair.

LEASING BILL.

STATEMENT OF HON. JOHN C. BELL, A REPRESENTATIVE FROM COLORADO.

Mr. BELL. Mr. Chairman and gentlemen of the committee, there is one thing I want to state, and that is that I have had a great many petitions and letters, which I think came to the committee, most of them, and I would like to select out just a few of the leading ones to put with what I have had to say heretofore.

The CHAIRMAN. I will tell you what we are going to do and perhaps that will anticipate your purpose. For instance, say that A B and so many citizens of the town of C favor or remonstrate against a certain bill, and where petitions give special reasons and discuss the proposition we will print a sample of them, as they are much alike.

Mr. BELL. Some of mine give better reasons than I can give.

The CHAIRMAN. The idea is to give absolutely both sides, pro and con, without encumbering the records with a lot of names, but to give the number of petitioners, etc.

Mr. BELL. I had an impression that you were going to vote today.

The CHAIRMAN. The intention is to have what I have just stated done; Mr. Reece is working on that, and is getting it ready on that line.

Mr. BELL. I want to make a few remarks. Now I have heard very generally from Colorado, and from some persons in Wyoming—I do not know why any of the people of Wyoming write to me, but some of the cattlemen out there generally have done so, and they tell me that they are generally against any leasing bill at present. From Colorado, with very few exceptions, they express the same feelings. Now and then a man writes there is a piece of ground close to a ranch he would like to get, and he thinks this bill would enable him to get it and then he would be all right, but generally in Colorado the idea, especially in the western two-thirds of the State, is that no lease bill, where you allow anybody the right to take up the ground, will do other than almost depopulate the country. Probably the most—

Mr. MOODY. Then you would be in favor of a leasing bill that did not have a homestead provision in it?

Mr. BELL. If we have a leasing bill at all, they all say it should be after we have concluded that land can not be profitably taken up; then

we should be able to lease it for a long enough time that the cattlemen can fence it, otherwise they can get no use of it. Now, probably the best informed man in my neighborhood, and more a large ranchman than a cattle man—I believe he has no cattle at all—writes that any bill of this kind, in his judgment, would cut down the ranch population, and he gives his reasons why.

He says that there is not a cattleman who would try to fence, because he could not afford to fence with the right staring him in the face that any man might come in to-morrow and take up his cabins, take up his watering place, take up any part of his domain; and it would be utterly useless to him unless he could fence. Cattle will not stay on 1,600 acres; cattle will not stay on 15 square miles; they will drift from 40 to 100 miles. Now, he says the result unquestionably would be that the cattle industry would greatly languish, and with it the farming industry, as it would destroy the haymarket of the valley, which has always been splendid from cattlemen.

Mr. MOODY. Would that necessarily follow; if the ranches round about there are now cattle ranches they could lease the adjoining land?

Mr. BELL. But they would not lease it.

Mr. MOODY. They would not be obliged to fence; they could range as they do now?

Mr. BELL. Then they could not keep them there at all, and not only that, but you are going to run against this proposition. The moment you go to lease, unless you had an ironclad price fixed so that you could not go above or below, there will become competition between enemies on the range. Now, we had in our friend Sutherland's State a short while ago a case where a man from Colorado went out and bid on Strawberry Valley, and surrounding country, Uinta Indian Reservation.

He had it, I think, for seven years at \$5,000, or for five years at \$7,000, or somewhere along in that way, and there were 200,000 or 300,000 sheep that drifted over on his lease. He brought lawsuits and got the enmity of the sheepmen. They came down to the department, got the ear of all the inspectors, who said: "You must put up that land for bid between sheep and cattle." The sheepmen came together and they bid \$17,500 for that, and evidently one of the principal points was to move the friction that they had the litigation about, to move his business out of that country.

Men who are familiar with it tell me there is not a bit of question but that the sheep in a very few years will absolutely destroy that range—and the Indians say so, because they say as the snow melts these sheep follow the snow. They herd together and they puddle that grass out, and the places where they herd when it is wet are absolutely destroyed. The feeling is so strong by every man who has forty acres of ground, by every man who has an alfalfa field, against the country going to sheep that a man who has ever been in the cattle business dare not—

Mr. MOODY. Why do the alfalfa field people object to sheep?

Mr. BELL. My dear sir, we have many ranches there that grow hundreds of the tons of alfalfa that they can not ship to a market. The sheep men feed but little hay. The cattle growers buy every stalk of that alfalfa in the field, and buy the stubble and pastures, and hire men to feed that in the winter.

You give me cattle, and I can not keep my cattle on, or another

man's cattle off. You say I can fence it. Yes; if you give me a lease of so much ground for twenty or twelve years even; but here you say you will lease a piece of ground for five years, and any homesteader has the right to come in to-morrow or any other day and take any part of my lease.

Mr. KLEBERG. In other words, the lease would be too small for cattle men?

Mr. BELL. They would not be too small—no.

Mr. BURNETT. Too uncertain?

Mr. BELL. But they are so uncertain you can not fence, and without fence it is absolutely worthless for cattle. A small holder may be too poor to fence at all.

Mr. KLEBERG. The terms of lease are not long enough?

Mr. BELL. And even if they were long enough you can not fence.

Mr. MARTIN. The point is, the homestead provision and the lease can not agree, one conflicts necessarily with the other.

Mr. BELL. Here is a thing you must bear in mind. In 3,500 acres there will be probably one or two watering places. There will be a small spring here, not much bigger than this room. I know of 10,000 acres that have not a spring any larger than about the size of this room, and the cattle come there and water all day long. Suppose a man comes there and he should lease that, the first thing somebody would do would be to come in and take that 160 acres. That entire lease is then destroyed.

Mr. MARTIN. That is, the homesteader would come in?

Mr. BELL. So far our sheep men have not asked to lease, but have opposed leasing as well as the cattle men.

Mr. EDDY. Why can not you take 160 acres now and put a fence around it?

Mr. BELL. You can, but you do not stay anywhere now, you can go anywhere. It is "commons" to-day, and that is different from the plains.

Mr. NEEDHAM. What would be the result of the present policy of a homesteader going in there and taking up a spring, would he not be run off?

Mr. BELL. No.

Mr. NEEDHAM. Suppose the homesteader got a 10,000-acre field and took up this spring?

Mr. BELL. The spring has been taken by a squatter six or eight years. It was not surveyed, and nobody dreamed of such a thing as interfering with him. If the homesteader was to go and take that to-day he would not be disturbed. We are not the lawless element you have been told of here. I know you have been told about five hundred murders that would be committed on the Western plains, but I will tell you they are exceptional and far between. There are a great many more fellows hung in some of these States below here for unspeakable crimes than are killed in our part of the country over ranches. It is all foolishness. Why press it upon the people until the people demand it? Why try to give them something you think they need when they do not believe they need it?

The CHAIRMAN. Let me suggest the identical thing was done in relation to forest reserves—

Mr. BELL. Yes.

The CHAIRMAN. Petitions were almost universal of every sort against

forest reserves. We forced forest reserves, and there is not a man, woman, or child in Colorado now who is not in favor of forest reserves.

Mr. SHAFROTH. You are sadly mistaken; I do not want the forest reserves, and my State would abolish every one to-day.

Mr. BELL. I do not know a man scarcely in Colorado to-day that wants them merely for forest reserves. I will tell you the reason why any forest reserves were located in Colorado was one man—only one man—Mr. Edgar Ensign, who had been in Germany some time and—

The CHAIRMAN. Let me ask you? This matter, I think, is entirely news to the committee. I know it is to me. The people of Colorado are not favorable to forest reserves?

Mr. SHAFROTH. They are not favorable to the withdrawal of large quantities of land for any purpose whatever.

Mr. BELL. Did you ever know of a Representative from Colorado or any Senator being in favor of it? Senator Teller has been fighting them for years, ever since they started, in fact. We have been trying to get them limited ever since they started, and there has been petition after petition every year, almost, since one has been located in Colorado. They have never been a benefit to anybody. They have been a nuisance from the beginning.

They have got counties, you might say, that have not a stick of timber, not a load of wood, outside of reserve. They did it without a survey. Edgar T. Ensign was an honest and conscientious man, and he thought that it would keep the snow from melting and would increase the flow of the streams. That was his idea. All the encouragement he had in the world was from a few cattlemen who thought they could range cattle in there, and they would not allow the sheep men in there; but when they would let the sheep men in there, they would not want it.

The CHAIRMAN. Would the people of Colorado like to have these forests withdrawn from the forestry system and transferred to private ownership?

Mr. BELL. I think they would prefer none to the present condition. I tell you a number of these petitions for forest reserves were gotten up, as shown by the Department utterances, by men who had patented lands within the forest reserves, so as to give them up to the Government and take lands elsewhere. They had some of these railroad lands and grant lands they had cut all the timber off and they wanted to give the land back to the Government and take lands elsewhere. No, there is no great sentiment in Colorado for such forest reserves as we have got. You do not know what they are. You talk about forest reserves as though they were of great utility. The people north of the Grand Mesa Reserve had to cut through a cliff with blasting powder to get on the top of the forest reserve.

I do not think you can get a wagon up there now from the north side; but probably they have got a road there now, because there are some fishing lakes there and places to summer, but it is all they can do to get up from the south side. Now, that is about all the benefit of the Grand Mesa reserve. The other, at the head of the White River, there is not a single month but what there are petitions here, and in your Post this morning you will see, on the application of Senator Teller, they have withdrawn their movement to make the citizens get off of the forest reserves. They have taken great parks here that had not a

stick of timber, and settlers went on afterwards and fixed to make a crop and in the last few weeks they ordered them to move off.

I appealed to the Secretary of the Interior and he said he would tell his foresters to deal with them gently, and I notice this morning, on the application of Senator Teller, they have agreed to let them remain and make a crop there. It is a great mistake to think there is no sentiment in Colorado whatever against the forest reserves for the purpose of protecting the streams because—

Mr. MONDELL. Is there no sentiment at all in favor of that?

Mr. BELL. There was at one time among the cattle men, who thought by getting the forest reserves they would get that range and the sheep would be kept off.

The CHAIRMAN. I thought that Colorado was strongly in favor of an irrigation scheme?

Mr. BELL. They are, but the Government has used bad judgment about those things. There are theorists who have sat down here in Washington and taken a map and drawn lines taking in three or four million acres of land; they have taken in patented land; they have taken in land without timber, which has prejudiced everybody against any such system.

Mr. MONDELL. In the Interior Department I recollect having a good many petitions referred to me for the establishment of forest reserves in the Medicine Bow Range, at the head of the Cache-la-Poudre River.

Mr. BELL. Just after Mr. Bowers prohibited the grazing of any stock on forest reserves that herded in bunches; right after that the cattle men all wanted forest reserves for grazing purposes, however.

Mr. SHAFROTH. You will find on examination in a majority of these petitions, also, the parties who petitioned were interested because they have got land not worth anything which they wanted to exchange for other Government land.

Mr. MONDELL. On the contrary, as regards that very feature, this is one of the reserves which had practically no patented land.

Mr. SHAFROTH. That may be true of a few reserves, but the majority of the reserves are for that purpose—to make money on them. I know one where it is a regular Mexican old grant, and the party is trying to get the Government to establish a reservation there. There is not a foot of Government land in it.

Mr. JONES. Is there not good timber on it?

Mr. BELL. Timber here is of little value. Men have appealed to us to have land put into reserves that was patented for trading purposes.

Mr. MONDELL. Is it not your opinion heavily timbered or timbered mountain regions at the headwaters of important streams, the waters of which are used in irrigation, should be protected in some way?

Mr. BELL. Yes; if you would do that, then stop.

Mr. MONDELL. Is the Grand Mesa timbered?

Mr. BELL. Yes, sir; but you can not get it off unless you burn it off, as you can not haul it off.

Mr. MONDELL. Placing it in a forest reserve would protect it from fire?

Mr. BELL. No; fire goes through there every few years. It went through last year. They claimed to have put it out, but it ran for a week or so and they had 30 men up there last year fighting fire.

Mr. EDDY. Have we any single forest reserve established in the

United States that has been established upon the petition of majority of the people residing in or near the reservation?

Mr. BELL. Well, I do not know; those established in my district were practically established with nobody living about there, and without the public knowing much about it.

Mr. JONES. In our State they would establish without consultation—

Mr. BELL. One man did the whole thing. He drew a line here, as I understand it, in Washington, and they have been petitioning for a change ever since.

Mr. SHAFROTH. My recollection is that in regard to the 22,000,000 acres that Grover Cleveland set aside with one stroke of the pen, there was no petition concerning them.

Mr. MONDELL. There was alleged to be a careful examination. There was a party of five scientific gentlemen who traveled over nearly all the first-class transcontinental roads of the West in a very splendidly equipped palace car, and it was claimed that they got near enough to every reserve they recommended so that they could see the mountain tops.

Mr. BELL. They could not see those on the White River, because there is not a railroad that goes in sight of one.

Mr. MONDELL. That was the exception.

Mr. MARTIN. I suppose each reserve practically stands upon its own merits. In our own State we have but one forest reserve and it may be a sort of exception, but in our State the forest reserve is in the forest.

Mr. BELL. What kind of a forest have you?

Mr. MARTIN. Pine forest. These forests are at the head of our water courses. Now it is the people there who objected to the forest reserve system, who thought it was all wrong and an infringement upon their inalienable rights; but almost without exception they have grown, by reason of the experience with that particular reserve, to feel very favorable to it. We consider that our pine forests are being preserved and the general cause of irrigation will be advanced by allowing more acres for forests.

Mr. BELL. There would be no fight on ours if the Government would take in the timber and leave out the other ground.

Mr. MARTIN. I think possibly in other States there are vast areas of land entirely denuded of timber that have been set aside under the claim of forest reserves.

The CHAIRMAN. Inasmuch as this is going in the record, I suggest that possibly you have made a broader statement than you intended when you say you think the whole forest-reserve system does not meet with the approval of the people of Colorado. I think possibly you refer to the abuse of it or the method of administration, rather than the system itself.

Mr. BELL. I say we have no particular objection to it if the Government would take the forest itself, because the forest can not be reached now.

The CHAIRMAN. Would you not want to put it a little better than that and not simply say you do not object to it, but that the people of Colorado want it on account of the benefit to the water if it is properly handled?

Mr. BELL. If it benefits the water I should say, yes.

The CHAIRMAN. Does it?

Mr. BELL. At places probably yes; at more places no.

The CHAIRMAN. Would you leave Colorado outside of the forestry system?

Mr. BELL. We tried to be left out, we wanted them to leave us out. There never has been a greater fight than was made on the White River Reservation, because it deprived the people of that county of a place to get a load of wood.

Mr. MONDELL. Was not that feature of the reserve policy more a matter of administration, of unwise administration, than anything else?

Mr. BELL. Yes; no doubt, but they have not wisely executed the policy.

Mr. MONDELL. The forest-reserve law which Congress passed gives the settlers really more rights to the timber on forest reserves than the timber on the public domain?

Mr. BELL. Yes; it does now. Now, Mr. Chairman, this is entirely away from the point. I thought you were going to vote or I should not have been here at all—

The CHAIRMAN. I suggest to you that it seems to be the general feeling of the committee that while these hearings are to be concluded so we can publish both sides in the hearings, that the action of the committee shall be deferred until we have opportunity to hear from the people further on the subject.

Mr. BELL. That is what I wanted to ask. I am perfectly willing at any time you can get a lease law that will benefit the communities to say, yes—

The CHAIRMAN. I am ready to say I am heartily in favor of a lease system that will take care of the homesteader, the small settler, and take care of them alone, and I believe the quicker you get that the better for the country and the better for Colorado and for every State in the Union.

Mr. BELL. That might apply to the plains out about Kansas and probably the northern part of Colorado, but—

The CHAIRMAN. I would like to say in this connection I would like to have the privilege—I will not take up the time of the committee now to express my views, but I will simply put my views in print in connection with the balance of the hearing and I will not consume the time of the committee now. Is there any objection to that being done?

There was no objection.

Mr. MOODY. You mentioned that there was a conflict between the cattle and the sheep men. What is the comparative difference in value of the two interests in your State?

Mr. BELL. They are about evenly divided in my county. In the plains part of Colorado they are practically all cattle. There is about one-third of the State, right on the mountainous ranges, that is in a different condition from the plains part of the State in every way. I am in the heart of the Rocky Mountains, and the sheep and cattle are about equally divided where I am, and they have divided up the range.

Mr. MARTIN. But taking it throughout the State, the cattle interest predominates?

Mr. BELL. Oh, yes; very much so. You have not much in your part of the State, have you [speaking to Mr. Shafroth].

Mr. SHAFROTH. Not a great deal.

Mr. BELL. Now with us it is all divided up. Here is a great country with one stream running through it. The executive officers of the two organizations agree that sheep alone shall run over here and they agree that cattle alone shall run over here, and they are satisfied and there is no conflict, and the only conflict that has ever been has been when some individual on one side or the other refuses to obey or abide by the decision of the executive committees.

Mr. MOODY. In that section of the State where the sheep predominate are not the owners as good customers for the alfalfa fields as the cattlemen?

Mr. BELL. No; they do not buy much hay.

Mr. JONES. Why do they not buy?

Mr. BELL. Because they do not feed the sheep with alfalfa to any great extent.

Mr. JONES. They do in our country.

Mr. BELL. They do not with us. They browse them until very severe storms come and then they ship in corn from the East, and during a storm they will put a lot of bags of corn on pack mules, cut a little hole in the corner of the sacks and there will be a stream of corn for miles all over the country. They do not feed hay to any great extent.

Mr. MOODY. The sheep raiser in the West is the best customer for the alfalfa growers.

Mr. BELL. They do not use it much with us. They browse their sheep through a good winter. A winter like last they feed nothing to speak of. There are lowlands with short grass on them, and they browse through the winter; but cattle can not eat that short grass, and it is the cattle that consume the great hay product of our valley.

I am very much obliged to you, gentlemen. I should not have imposed myself upon you if I had not thought you were going to vote.

The CHAIRMAN. Unless the committee should reopen them, we shall consider the hearings closed, so as to have the matter printed, and it is proposed that unanimous consent be given to any member of the committee to prepare so as to print with these hearings any statement he desires to make, either for or against a leasing system, or any system. Is there any objection to that?

There was no objection.

The CHAIRMAN. I got an answer to-day from New Mexico, in which the principal objection to leasing land is that the leasing of Government land would be in competition with State land, and probably reduce the income. I could not understand why charging something for what was before given away would do that, but it seems to satisfy them.

I have a letter from the governor of Wyoming in which he says he approves of the leasing bill, and says that with one change he believes that this would be exceedingly popular with the small and in fact all of the stock-growers of his State and that section of our country.

Mr. MONDELL. Inasmuch as my State has been referred to, in regard to the sentiment of Wyoming, as I understand it—and I think I know it pretty well, I have had a good deal of experience on the subject—there is great diversity of opinion in our State on the subject of leasing. There are quite a good many of our people who are opposed to any kind of leasing at all, and believe it was a mistake for

the State to have leased any land. I say a considerable number, not a large proportion of the people by any means, but people encountered here and there all over the State, and there are others who are favorable to a leasing system.

There are a great many people who are favorable to some sort of a leasing system who have not made up their minds just what sort of a leasing system they want, and who have not been favorable to any suggestions of legislation which have been made. Then there are other people who are quite favorable to this Lacey bill. The Stockmen's Association in my State, which represents almost entirely cattlemen, passed a resolution favorable to the bill introduced by Senator Millard. Generally, I think the sentiment in my State is quite favorable to some reasonable legislation which would give the small settler, the small stockman and farmer an opportunity to control some of the nonirrigable grazing lands lying in the vicinity of his ranch.

Mr. BELL. I will bring up the letter.

The CHAIRMAN. Here is what the Governor says:

EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., May 20, 1902.

HON. JOHN F. LACEY, M. C.,

Chairman, Committee on Public Lands, Washington, D. C.

MY DEAR SIR: I thank you very much for the copy of House Bill No. 14103, known as the "Leasing bill." I beg to say that I approve of the provisions of this bill and know that it will do a great deal of good for our ranch people who are in great need of something of this kind.

There is one section, however, that should be changed, and that is No. 5, which provides that no corporation shall be entitled to any lease under the provisions of this act.

We have in this State many hundreds of corporations organized by three or more Wyoming citizens and they ought to be entitled to the same privilege that an individual landowner is entitled to under this act, and it will be a matter of great injustice if they are specifically proscribed from getting any benefits from an act of this character.

With this change I believe that this would be exceedingly popular with the small, and in fact all of the stockgrowers of this State and this section of our country.

Yours, very truly,

DE F. RICHARDS.

Mr. MONDELL. Anyone who says the sentiment of Wyoming is entirely against any leasing is mistaken.

Mr. BELL. He states cattle men.

Mr. MONDELL. He who says that is still wider of the mark than if he said stockmen, as I think the leasing sentiment is among cattle men than among sheep men; the antileasing sentiment is among sheep men. There is a wide diversity of opinion among people on the subject. There is by no means any universal or any general sentiment against all leases of any kind, nor is there any general sentiment in favor of any particular proposition.

The people have not fully made up their minds on the subject; they are not prepared as a whole to favor any plan that has been proposed.

The CHAIRMAN. Now this bill of mine could be amended by an additional section like this: this law to be operative in any State or Territory from and after proclamation to that effect by the President; no such proclamation to be issued in relation to any particular State or Territory until the legislature of such State or Territory shall have

requested the same to be done, and in that way you make a local option to put it in force.

Now, Wyoming, from information I get, would at once request it to be put in operation, and I believe South and North Dakota, and I have no question of Nebraska—

Mr. MARTIN. You must not be certain about South Dakota; my own judgment is the other way.

The CHAIRMAN. A proposition of that kind would lead to its adoption and use in States who desired it, but if I am right in my opinion as to the result that it would double and treble the amount of grass in States where the land is taken care of, other States would find themselves compelled to adopt the same plan, because the States which took care of the grass would have the cattle and the States which destroyed the grass would not.

Thereupon the committee went into executive session.

ADDRESS OF HON. JOHN F. LACEY, CHAIRMAN OF COMMITTEE, ON H. R. 14108.

"All flesh is grass and all the goodness thereof as a flower of the field." Isaiah xl, 6. "The grass withereth, the flower fadeth because the spirit of the Lord bloweth upon it; surely the people is grass." Isaiah xl, 7. Man's existence depends almost wholly, either directly or indirectly, upon the grasses in their various forms. Voltaire says: "Whoever makes two blades of grass to grow where only one grew before renders a service to the State," and this statement is no more true than that the public policy which makes one blade of grass grow where two grew before should be reversed.

We have now 600,000,000 acres of the public domain, without taking into account the Territory of Alaska. Of this vast region a very large portion is only suitable for pasturage; 46,000,000 acres have been set apart as forest reserves; 5,300,000 acres as national parks; a large area is embraced within the limits of mountain ranges above the timber line—but after all there remains an empire which is suitable only for pasturage. While a considerable area is yet to be put under cultivation by proper systems of irrigation, the land that would only be fit for grass would still amount to hundreds of millions of acres. How to utilize this best for our great and growing population is a problem well worthy of the consideration of the Congress of the United States. It is one too that is full of difficulty.

Prejudices are to be encountered, abuses have to be corrected, and it is high time that the people who are living in this vast territory should seriously take the subject under consideration. They have begun to do so, but yet there is much difference of opinion as to what remedy, if any, should be adopted and applied. The purpose of my remarks to-day is to discuss the best attainable remedy for present evils—the best remedy possible under existing circumstances—and I think I fully realize the difficulty of framing a law dealing with this question. The home is the base of everything, and if we start reforms on this subject with the home as the foundation the structure will be safe.

In examining this question and preparing a bill upon it, the home seeker and actual settler is the man for whom we should exercise our first concern. The actual settler is the strength of a new State. The

nomadic herder who drifts with his herds from State to State, paying taxes nowhere and having no care for the future of the State, should be accorded no rights which will conflict with the local interests of the community or which will deter the actual settlers from taking up permanent homes.

The protection of the forests has no longer any opposition. The tree is the mother of the fountain, and by saving the forests we preserve the streams. The benefits of the restoration of the herbage of the plains are more direct. The nakedness of the plains should be clothed with grass and the mountains with trees.

In reading the early history of the United States, especially of the far West, the mention of abundance of grasses suitable for grazing will always strike the attention of the reader. It is interesting to take the story of Lewis and Clarke's expedition or the journals of the pathfinder, General Frémont, in his journey across the continent in the early days, and follow their descriptions of the abundance of animal life supported by the native grasses in the arid regions of the far West. This teeming life of the great plains was supported in the winter by the hay cured by the dry winds upon the native stalks.

There are in the grass family about four thousand species, from the greatest of all—the bamboo—100 feet high, down to the short buffalo grass of the arid plains. In this numerous family of plants is found the food of nearly all of the animals which support the life of man. Civilized man draws his life and strength either directly or indirectly from the grasses of the field. The native grasses of America are amongst the most valuable known to mankind. When Timothy Herd discovered in the marshes of New England and introduced to his neighboring farmers the native plant that long bore his name, now familiarly shortened into plain timothy, he conferred a blessing not only upon New England but upon the whole American people.

The variety of these valuable grasses upon the Western plains has been steadily decreasing since the country has been opened to settlement. In the settled portions of the East the intelligence of man has improved the pasturage, whilst the natural herbage of the far West has been neglected because there was no one to care for it.

There has always been a fascination in the maxim of "free grass," and the fear of monopoly in the hands of the large cattle owners has arrayed many of the settlers, if not the most of them, in the grazing States, against any proposition whatever for the leasing or private control in any way of any portion of the grazing lands.

The legislature of the State of Montana has by resolutions expressed itself as against any leasing proposition. The small landowner and the homesteader have looked with just apprehension upon any scheme which would enable the great cattle companies to fence in large tracts of the national domain and exclude the poor settler from enjoying the wild products of the public lands. This condition has existed for many years. There is a diversity of opinion upon the subject as to the extent to which the native pasturage has deteriorated, but the fact of its great decline is not disputed.

The homesteaders in western Kansas and other localities have taken up claims where it is impossible for them by cultivation to make a living for themselves and their families because of lack of rainfall. In taking these claims, however, they have plowed up considerable portions of the valuable native grasses, and while nominally improving

the land, they in fact have injured it, because upon much of this land there is no product of any kind that can take the place of the native grasses and at the same time be a safe and reliable crop in usual dry seasons. Many of the ranges—in fact most of them—have been heavily and persistently overstocked. Many varieties of the grasses are annuals, and in the fierce competition among the herders not a sufficient quantity of grass is permitted to go to seed to renew the plants.

The House Committee on the Public Lands has had this matter before them for many years. Personally I have realized the necessity for doing something toward the restoration of the natural pasturage, but in considering this matter I have always found myself confronted with the difficulty that the small settler and homesteader would probably be crowded to the wall under such system unless it should be guarded with exceeding care.

The State of Texas has for many years leased its grazing lands. The change from free grazing to the leasing system was attended with violence and bloodshed in that State, but public sentiment has steadily grown in favor of the leasing system, until the people there are practically unanimous. The only criticism there is that the leasing of the land in very large tracts has retarded the settlement of some parts of the State.

Experience, however, in Texas has shown that the leased tracts have produced an increased amount of grass, and that the land is capable of sustaining a larger number of cattle under a leasing system than under the old method of free grazing. The reason for this is very evident. Where there is a proprietary interest in the pasturage, the owner will endeavor to manage it in such a way as to increase the product. On the other hand, where the range is free to all, with no proprietary rights in the future, each cattle and sheep owner endeavors to get all the grass he can without any reference to the future.

The annual grasses are eaten before going to seed, and the pasture of next year is not considered. A wise farmer would not feed his seed corn to his flocks, and the seed of many of these grasses is equally as necessary. I believe there ought to be a remedy for this, and after many years' service upon the Public Lands Committee I have thought it my duty to attempt to prepare a bill which I believe will overcome or minimize the evil to which I have referred and at the same time avoid the other evil of monopolization of the range. I have therefore prepared a bill that I believe will be just, by limiting the leasing rights to the homesteaders and resident landowners only.

The bill provides for leasing only the arid and semiarid land which is not capable of irrigation, the leases to run only for a term of five years and be limited to 3,200 acres to any one person; they shall not be assignable or transferable and shall only be made to homestead settlers or actual freeholders whose lands are in the vicinity of the grazing lands to be leased; where there is not sufficient land to supply the necessary amount for the various applicants the same to be prorated, the annual rental to be 1, 2, 3, 4, 5, or 6 cents an acre, according to the grade of the land, the land being classified by the Department of the Interior for that purpose; the large landholder may also lease land, but the maximum of 3,200 acres applies to all alike; corporations are not privileged to lease under this bill; the land remains open to mineral, homestead, or other lawful entry, and when entered the lease *is to be canceled*; streams and watering places are not to be included

in any of these leases, and the right of way through leased lands to and from watering places is reserved to other lessees. To this I would add by amendment two new sections, as follows:

Sec.—. This act shall take effect from and after its passage, but shall not be put in operation in any State or Territory until proclamation shall be made by the President to that effect, which proclamation shall be separately issued as to each State and Territory: *Provided*, That no such proclamation shall issue to any State or Territory until the legislature of such State or Territory shall by resolution request such action.

Sec.—. The net receipts after payment of the expenses of administration, arising from the leases under this act, shall be set apart as an irrigation fund to be expended in the State or Territory in which the same shall be collected.

From this brief statement of the scope of the bill it will be seen that for a very small rental the homesteaders and small landowners will be able to utilize their property by obtaining grazing rights which it will be to their interest to protect. The total amount of grazing lands in the country will be exactly the same after these leases are made as before, but the small settler, and large settler as well, will thus be able, upon a limited amount of the public domain, to protect the grass from improvident and destructive grazing. They will be able by shifting their cattle from one part to another to allow the depleted range to become restored, and the certainty that they will get the benefit of the increased production will induce them to care for the pasture with a view to its preservation.

There is only one experiment involved in this bill, and that is the attempt to provide for the homesteader and the small landowner alone. This will work no hardship upon the large cattle owners, because the remaining land will still be open to free range, and the owners of the large herds can also subdivide their stock and let portions of the same out to graze upon the leased lands. It would result in a new impetus to homestead settlement, for settlers would locate homesteads in order to have the benefit of the appurtenant leasehold right who could not afford to make the attempt to live on 160 acres of land in a locality where the great sheep and cattle owners would consume all of the surrounding pasturage.

Many of the arid States are already trying the experiment of leasing State lands on their own account, and although these leases have not been in existence very long the results in some of the States would indicate that the leased State range is already much better than the public land in the same locality that has been subject to free and indiscriminate grazing.

The subdivision and exercise of proper care in the management of this immense area of pasture land is even more important in my judgment than the question of irrigation, for nearly all of the arid lands can be made to produce pasture, while comparatively a very small portion can ever be used successfully in raising irrigated crops. The leases not being transferable, the amount of each lease being limited, the range would be preserved and at the same time protected from monopoly.

It is proposed in the bill that corporations shall not be permitted to lease. The reason for this is evident. A corporation is not a settler and has no family or home. Corporations can be created without number, and if leases were open to corporations under this bill they could readily locate tracts of 320 acres without settlement and then take leasehold privileges of 3,200 acres each appurtenant to their holdings, and effectually prevent the settlement of large areas that under

this bill would become the home of ranchers. Under existing laws homesteads in the public lands are provided for farmers; this bill will open up the way for pastoral homesteads in a region where ordinary cultivation is not practicable.

I believe if this bill should be enacted into law it would be followed by very considerable increase in population in all the arid States because we would have practically a new form of homesteader—a homestead settler who would take land because of its appurtenant rights, feeling confident that upon his homestead and leasehold lands he could be sure of a living for himself and family.

If I am right in my suggestion that intelligent and prudent management would increase the grass product, then it follows that more cattle could be supported upon the same amount of land than under the present entire lack of care, system, and method.

In Oregon the wheat farmer raises a wonderful quantity of grain to the acre; but the good farmer there only raises two crops in three years and gives his land the benefit of a year's summer fallow. The Hebrews recognized that the land, as well as man, must have periods of rest. Pastures too must have rest from time to time or they will become worthless. A lessee will consider his own self-interest in the care of the grazing lands that he may control, and by shifting his cattle from time to time will allow the restoration of the native grasses. Regions where the herbage was once very rich have become desolate. Under proper care they can be again restored.

The grass of the land is the life of the land. Grass is the healer that covers the scars of nature. Grass makes all the difference between a desert and a meadow. The pastures of the West are of the first importance to the whole people of the United States. I earnestly plead for their care and restoration.

A BILL to grant grazing privileges to homestead settlers and holders of small farms in the arid and semiarid land region, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purposes of this act are to give to homestead settlers and holders of small farms the opportunity, in the arid region, to improve, use, and protect the grass upon the public domain in the vicinity of their holdings, so as to prevent the further deterioration and the monopolization of the range by the owners of large herds of live stock; and the rules and regulations to be made and promulgated by the Secretary of the Interior under this act shall be made with reference to its purposes as defined in this section.

SEC. 2. That so much of the arid and semiarid public lands not capable of irrigation as may be necessary for the purposes of this act may be leased for stock-grazing purposes, subject to the right of homestead, mineral, and other lawful entry under existing laws. Said leases shall be made under such rules and regulations as may be prescribed by the Secretary of the Interior and for the purposes of and subject to the limitations of this act.

SEC. 3. That all leases shall run for a period not exceeding five years. Such leases shall be limited to an area of not exceeding three thousand two hundred acres to any one person, and such leases shall not be assignable or transferable, but in case of the death of the lessee shall inure to the benefit of the estate or legal representatives of such lessee. Such leases shall only be made to actual homestead settlers or to freeholders whose lands are in the vicinity of the lands to be leased by them. And the holder of a homestead prior to patent may obtain a lease for not exceeding ten times the area of land included in his said homestead, and the owner of lands in freehold may in like manner and under like restrictions acquire a lease for ten times the amount of his said freehold, but in no event to include more than three thousand two hundred acres for any one lessee under this act.

SEC. 4. That during the continuance of any lease made under this act the lessee

may fence the leased land or protect the same from trespass in any other lawful method.

SEC. 5. That no corporation shall be entitled to any lease under the provisions of this act.

SEC. 6. That where there are two or more persons eligible to acquire leases under this act who may desire leases upon the same land, and there is not enough public land in such locality to supply the said applicants, then such lands shall be apportioned among such applicants under rules and regulations to be prescribed by the Secretary of the Interior.

SEC. 7. That the lands to be leased under this act shall be classified and graded by the Secretary of the Interior into six classes, and the annual rental shall be one, two, three, four, five, and six cents an acre, according to class or grade, payable at such times and in such manner as may be prescribed by the said Secretary. The proceeds of such leases shall be paid into the Treasury of the United States.

SEC. 8. That nothing in this act shall prevent the lessees or other persons and corporations from the privilege of grazing their stock upon the public lands not included in such leases.

SEC. 9. That nothing in this act shall apply to or change existing law as to forest or other reservations: *Provided*, That the Secretary of the Interior, under rules and regulations to be made and promulgated by him, may make and collect such charge per capita as he may determine for each horse, sheep, cattle, or other animal which he may permit to graze within the forest reservations.

SEC. 10. That when any mineral or homestead or other lawful entry is made upon leased land the lease shall be canceled thereon under rules and regulations to be provided by the Secretary of the Interior.

SEC. 11. That in leasing under this act the regulations shall provide for the reservation of watering places and streams where practicable, so as to render the same accessible from the leased lands in the vicinity; and such regulations shall also provide for the necessary right of way across other leased lands in order to enable any lessee to have access with his stock to and from the lands leased by him.

SEC. 12. That leases may be renewed for further terms: *Provided*, That in renewing such leases the right to prorate by other applicants under section six shall be applicable.

SEC. 13. That this act shall take effect from and after its passage, but shall not be put in operation in any State or Territory until proclamation shall have been made by the President to that effect, which proclamation shall be separately issued as to each State and Territory: *Provided*, That no such proclamation shall issue as to any State or Territory until the legislature of such State or Territory shall by resolution request such action.

SEC. 14. That the net receipts after payment of the expenses of administration, arising from the leases under this act, shall be set apart as an irrigation fund to be expended in the State or Territory in which the same shall be collected.

DEPARTMENT OF THE INTERIOR,
Washington, May 29, 1902.

The CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

SIR: In response to your reference to the Commissioner of the General Land Office for report of a copy of H. R. 14108, entitled "A bill to grant grazing privileges to homestead settlers and holders of small farms in the arid and semiarid land region, and for other purposes," I have the honor to inclose a copy of his report to the Department on the bill, under date of the 28th instant.

For the reasons stated in the report the Commissioner has suggested that I recommend to the committee that the bill be reported adversely.

I concur in the views expressed by the Commissioner and recommend that the bill be not passed.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., May 28, 1902.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to inclose herewith copy of House bill No. 14108 (Fifty-seventh Congress, first session), entitled "A bill to grant grazing privileges to homestead settlers and holders of small farms in the arid and semiarid land region, and

for other purposes," which has been referred to this office for report by Hon. John F. Lacey, chairman of the Committee on Public Lands of the House of Representatives.

The purposes of this bill are stated to be "to give to homestead settlers and holders of small farms the opportunity, in the arid region, to improve, use, and protect the grass upon the public domain in the vicinity of their holdings, so as to prevent the further deterioration and monopolization of the range by the owners of large herds of live stock."

The bill provides for the leasing, for stock-grazing purposes, for terms of five years, of so much of the arid and semiarid public lands not capable of irrigation as may be needed for the purpose of the act.

Leases are to be made only to actual homestead settlers or to freeholders whose lands are in the vicinity of the lands to be leased by them, in the proportion of 10 acres of leasehold to 1 acre included in the homestead or freehold, but no more than 3,200 acres is to be leased to any one person. The leases are not to be assignable or transferable, but in case of the death of a lessee are to inure to the benefit of his estate or his legal representatives. During the continuance of a lease the lessee may fence the leased land or protect it from trespass in any other lawful method. Corporations are not to be entitled to leases.

When two or more qualified persons desire leases of the same land and there is not enough land in that locality to supply such applicants, then the land is to be apportioned among them under rules and regulations to be prescribed by the Secretary of the Interior.

The lands to be leased are to be classified and graded by the Secretary of the Interior into six classes, and the annual rental is to be 1, 2, 3, 4, 5, and 6 cents per acre, according to class or grade. The leased lands are to be subject to homestead, mineral, or other lawful entry, and when such entry is made upon leased land the lease is to be canceled thereon under rules and regulations to be provided by the Secretary of the Interior.

In leasing under the act the regulations are to provide for the reservation of watering places and streams, where practicable, so as to render them accessible from leased lands in the vicinity; and also for the necessary right of way across other leased lands in order to enable any lessee to have access with his stock to and from the lands leased by him. Leases may be renewed for further terms, but in renewing the right to prorate by other applicants is to be applicable.

It is also provided that nothing in the act shall apply to or change existing law as to forest or other reservations, but the Secretary of the Interior is empowered to collect such charge per capita as he may determine for each horse, sheep, cattle, or other animal which he may permit to graze within the forest reservations.

Under date of April 14, 1902, I made report upon Senate bill No. 3311, which also provided for the leasing of the public domain for grazing purposes, and I recommended, for various reasons, that it be reported adversely. One reason for this recommendation was that the public lands are greatly needed by those who are seeking homes in the West, and should be reserved for this class of citizens. The same argument may be urged against the bill now under consideration. The demand for homesteads on the public domain is rapidly growing larger, and each year shows an increase over the preceding year in the number of entries made. For example, during the fiscal year ending June 30, 1899, there were made, in the States and Territories which will be affected by this bill, 32,964 original homestead entries, covering 4,771,359 acres. In 1900 this number was increased to 45,044 entries, covering 6,678,809 acres; and during the last fiscal year there were made 53,654 original homesteads, embracing 7,874,255 acres.

A still larger number of entries will have been made before the close of the present fiscal year. While the demand for homes is increasing, the area available for homesteads is diminishing, and it is becoming more and more difficult for settlers to find suitable places to locate.

The policy of the Government has always been to encourage and assist those who are endeavoring to make homes for themselves upon the public domain. In deciding the case of *Buford v. Houtz* (133 U. S., 325) the Supreme Court of the United States used this language:

"We are of opinion that there is an implied license, growing out of the system of nearly a hundred years, that the public lands of the United States, especially those in which the native grasses are adapted to the growth and fattening of domestic animals, shall be free to the people who seek to use them when they are left open and unclosed and no act of Government forbids their use."

President Cleveland said in his proclamation of August 7, 1885, ordering the removal of unlawful inclosures of public lands:

"The public policy demands that the public domain shall be reserved for the occupancy of actual settlers in good faith, and that our people who seek homes upon such

domain shall in no wise be prevented by any wrongful interference with the safe and free entry thereof to which they may be entitled."

It thus appears that the heads of both the executive and the judicial branches of the Government have expressed themselves as in favor of the policy of reserving the public lands to provide homes for actual settlers.

In my opinion, the pending bill, if enacted, will mark a wholly unnecessary departure from this policy, which has proven of inestimable benefit to the entire country.

In expressing the opinion that the bill in question, if enacted into law, will have the effect of withdrawing a large part of the public domain from the operation of the homestead laws, I have not lost sight of the provisions which make the leased lands subject to homestead or other entry, and requires the cancellation of the lease as to any land that may be included in such entry. I believe, however, that these provisions will be found to be utterly useless, and although a settler may have the legal right to make an entry upon leased lands, the fact that such lands are controlled and used by another, whose interests are necessarily opposed to his, will make it impracticable for him to establish and maintain a home thereon. His settlement there, in fact, will have all the features of a trespass for which, in any other case, the State laws would afford relief to the occupant of the lands trespassed upon, while if leases are to be made subject to homestead or other entry, the lessee will probably have no legal remedy against one who enters upon his leasehold, and if he wishes to protect himself he must resort to force or intimidation.

Few settlers will care to add constant quarrels with neighbors to the many other difficulties which confront them in their efforts to secure homes, and they will, therefore, not often attempt to make entry upon leased lands. The effect will be to make the provision referred to practically useless.

Furthermore, the provision is manifestly unjust to the lessees. The leases are to be given them to enable them "to improve, use, and protect the grass upon the public domain," and a person who secures a lease and makes an earnest effort to accomplish these purposes must probably incur considerable expense in doing so; or he may invest large sums in cattle, expecting to graze them upon his leasehold. Then a few settlers may make entry of the land, take possession of his improvements, and deprive him of his pasture. In many cases, perhaps, entries will be made solely for the purpose of securing possession of the improvements of a leaseholder, or of extorting payment from him for the privilege of using the lands which he has leased.

It may be urged that only the arid and semiarid public lands which are not susceptible of irrigation are to be subject to lease, and that lands of this character are not in demand for homesteads.

In answer to this I have to say that any lands which are of value for grazing purposes are in demand by homeseekers, and entries are constantly being made upon lands of the character to which this bill applies. A large part of the public domain which a few years ago was a barren desert and apparently not capable of reclamation is now made to produce valuable crops.

It is safe to say that much of the land in the West which at present seems to be worthless will in a few years, with improved methods of irrigation, also be made productive.

A measure is now pending before Congress which provides for an extensive system of irrigation works throughout the arid region, and if this becomes law probably millions of acres of desert land will be converted into valuable farms. In fact, it can not positively be said that any considerable portion of the public domain can not be irrigated, and it will be exceedingly difficult, therefore, for the Department to determine what lands will be subject to lease under the proposed law.

It is also suggested that if the irrigation measure above referred to becomes a law, the leasing of numerous tracts of land which may be required for reservoir sites or irrigation works will interfere seriously with its proper execution.

Another objection to be urged against the bill is that there is apparently no demand from settlers and small landowners for legislation of this character. There may be a few individuals of this class who, having some special interests to serve, desire the passage of the bill, but the settlers and owners of small farms in the West are not, as a whole, in favor of leasing the public lands, either in large quantities to wealthy stock growers or in limited areas to homesteaders and small farmers.

The character of the letters that are constantly sent to this office complaining of the unlawful monopolization of the public grazing lands by cattlemen leaves no doubt that what the settlers in the West desire is that the range shall be left open for all to use on equal terms.

I am of the opinion, further, that the proposition to lease the arid and semiarid lands in limited quantities for grazing purposes is impracticable, and that such leases

can not be made without creating great dissatisfaction among the majority of those people who desire to graze their cattle upon the lands which will be subject to lease. The leaseholds will be of no value without water, and in the arid and semiarid regions the water supply is so limited that only a comparatively few leases can be made including watering places. The bill provides for the reservation of watering places, and for cattle to reach these the lands on which they graze must be left uninclosed. It is obvious that no advantage will be derived from a leasehold that is left open where any stock may graze upon it, and it seems probable, therefore, that no leases will be asked for except where the applicant may desire to secure control of a watering place.

The only way, in my opinion, by which the grazing lands in the arid and semiarid regions may be used as pasture by settlers and small farmers, without injustice to a majority of them, is to permit all to use them on equal terms, as has been done since the early days of settlement in the West.

I believe, therefore, that it will be an unwise policy to make the arid and semiarid public lands subject to lease, and I am opposed, therefore, to the measure for this reason. There are also other objections to the bill which should be considered.

Section 2 provides that only homestead settlers and freeholders whose lands are in the vicinity of the lands to be leased by them may secure leases. The privilege is given to them only to the extent of 10 acres of leasehold to 1 acre included in the homestead or freehold, but not more than 3,200 acres is to be leased to any one person. This provision will give to a new settler, who will probably own no land except the quarter section on which he settles, the right to lease not more than 1,600 acres, while his more prosperous neighbor, who may have acquired title to large tracts of land, may secure a lease of twice that quantity. This seems to be a wholly unnecessary and unjust discrimination against the poorer class of settlers.

It is also suggested that the proposed law may be used by some to monopolize large tracts of public land. A stock grower who desires to embrace 32,000 acres in his pasture instead of only 3,200 could easily find ten persons who would secure leases of 3,200 acres apiece and permit him, for a consideration, to include them all in his inclosure. This could be done under pretext of saving the expense of inclosing each tract, and would not, apparently, be a violation of the provision prohibiting the assignment or transfer of leases.

I am of opinion, also, that it will be found difficult properly to classify or grade the lands to be leased into six classes, as provided in section 7, unless provision is also made for a force of agents to make a special examination of all such lands.

A better method of determining the price at which leases are to be made will be to authorize the Secretary of the Interior to fix the rental in each case at such rates as the land applied for is reasonably worth, or else to grant the leases to the highest bidder.

The provision in section 9 authorizing the Secretary of the Interior to collect such charge per capita as he may determine for each horse, sheep, cattle, or other animal which he may permit to graze within forest reservations, is entirely foreign to the general purposes of this measure, and should be omitted altogether.

I return the bill herewith, and for the reasons set forth above I respectfully recommend that it be returned to the honorable chairman of the Committee on the Public Lands of the House of Representatives with a recommendation that it be reported adversely.

Very respectfully,

BINGER HERMANN,
Commissioner.

In response to a letter addressed to the governors of several arid and semiarid land States and Territories, the following replies were received:

EXECUTIVE DEPARTMENT,
Cheyenne, Wyo., May 10, 1902.

HON. JOHN F. LACEY,
Chairman Committee on Public Lands, Washington, D. C.

MY DEAR SIR: Replying to your letter of the 30th ultimo, in relation to the matter of our laws and regulations covering the leasing of public lands in this State, and other questions relating thereto, I beg to say that I send you by to-day's mail a copy of the report of the State board of land commissioners for 1895-96, which contains our laws, practically as they are to-day, covering the leasing of public lands.

Replying to your question as to the amount of land that has been leased in this State under local laws, will say that it is a little in excess of 2,000,000 acres. Outside

the school sections, 16 and 36, all this land has been selected by the State and nearly all of it carries water for stock purposes.

The average rental that the State receives for this land is a trifle under 5 cents per acre per annum. The length of all leases made by this State is five years.

Replying to your question as to any improvement in the product of the grass that has been noticed on leased land, I beg to say that this is an entertaining subject, and that the results have been very gratifying where the land has been fenced by the lessee.

I estimate that the feed upon the leased lands in which I am personally interested in the central part of Wyoming that have been fenced for from six to eight years has improved about 100 per cent in the production of grass. Many of our valuable grasses in this semiarid region require reseeding, and we have found that by protecting the grass until the seed matures that the turf rapidly becomes denser, therefore producing an increased amount of grass from year to year. What the average is in this respect it is impossible to give an intelligent figure.

I can say, without fear of contradiction, that should the grazing lands be leased and fenced and managed intelligently, they would produce twice as much grass as they are producing in their natural state to-day.

By referring to page 28 of the report which I send you by to-day's mail, you will see that the aggregate rentals of public lands in 1896 was \$15,508.99; in 1901, \$96,535.20; we estimate in 1902, at \$120,000.

This is an evidence of the extreme popularity of the leasing system in this State, and in this connection I beg to make the statement that the clamor from a great number of small ranchmen for land to lease is very strong, and that they almost universally feel as though they can not continue in their business of live-stock raising unless they have the advantage of some leased land, which the State can not give them, as its supply is exhausted.

Yours, very respectfully,

DE F. RICHARDS.

EXECUTIVE CHAMBER,
Lincoln, Nebr., May 3, 1902.

HON. JOHN F. LACEY,
*Chairman Committee on Public Lands,
House of Representatives, Washington, D. C.*

DEAR SIR: Replying to your communication under date of April 30, bearing upon the question of leasing public grazing lands, I would say that I am very much in favor of the proposition to lease to homesteaders said lands on the basis of 10 acres for every one acre of the free holdings of the lessee. I have talked to a great many of the citizens of this State and I find a very large majority of them favor the proposition above outlined.

In regard to the effects of the land leasing system in Nebraska, I would say that we have no such land as that. The only land subject to lease in this State is that belonging to the public schools and university, nor have we any law on that particular subject.

Any legislation that would have a tendency to militate against the homesteader and give those extensively engaged in the cattle industry a monopoly in the matter of acquiring arid and semiarid lands, would, in my judgment, meet with widespread disfavor, and would work hardship on many who are engaged in the cattle industry on a more limited scale.

The western part of Nebraska is the principal stock-raising district, and many of the inhabitants thereof are engaged in that industry, and if a law should be enacted that would enable those of more means to acquire large tracts of land, it would have the effect of depopulating that portion of the State, if it did not materially reduce the volume of meat products.

Legislation that will conserve the interests of the homesteader and enable him to acquire a reasonable quantity of land contiguous to his homestead will not only be popular with the people of this State, but will result in a healthy stimulation of the cattle industry of other industries associated therewith.

I have the honor to be,

Very respectfully, yours,

EZRA P. SAVAGE, Governor.

EXECUTIVE OFFICE,
Salt Lake City, May 10, 1902.

Hon. JOHN F. LACEY,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of April 30, 1902, in reference to the question of leasing the public grazing lands of the United States, asking me to forward a copy of the State law upon the subject, etc.

In reply I may state that practically all of the public lands in Utah are what are termed mountain grazing lands, the agricultural lands and those for which water for irrigation is available having been entered under the United States laws. As you will observe by reference to our statute, the rental is fixed at not less than 4 per cent per annum of the appraised valuation. The valuation is placed upon the respective tracts by commissioners or appraisers appointed for the purpose, and ranges from a few cents to two or three dollars per acre, the average being about \$1.50 per acre.

On December 31, 1901, the date of the last report of the Secretary of the State board of land commissioners, there were under lease 340,471.73 acres, the average annual rental being 4½ cents per acre. The decrease in the area leased during the year 1901, as compared with the year 1900, was about 10 per cent. The leases range in area from 40 to 17,000 acres, but the great majority embrace single sections of 640 acres, the lessees in most instances being flockmasters who thus acquire exclusive control of shearing and lambing grounds, while their sheep feed on the public range.

Our leases extend over periods from one to twelve years. It is noted that there is a growing tendency toward longer term leases, the lessees alleging that the short-term leases do not warrant them in the expense necessary to protect and improve the range.

As our system of leasing has been in operation only three or four years, I am unable to say whether or not any material improvement in the production of grass has been made in these lands. It is presumed, however, that such improvement has taken place in the lands embraced in long-term leases.

Trusting this brief communication will cover the points upon which you desire information, as indicated in your letter, I have the honor to be,

Very respectfully,

HEBER M. WELLS, *Governor.*

EXECUTIVE CHAMBER,
Bismarck, June 2, 1902.

Hon. JOHN F. LACEY,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to inclose herewith a copy of our State law relating to the leasing of public lands. The experience of our State under the operation of this law has been very satisfactory, the lands being very generally leased at prices which have produced quite a considerable revenue to the State without any noticeable injury to the land. At the present time nearly all of the State land is leased at prices ranging from a minimum of 2½ cents per acre per annum up to a maximum of more than \$1. Land appraised under \$10 is leased for a period of five years; that over \$10 for a period of one year.

Our lands are mostly leased in small parcels, and usually to farmers owning adjoining lands. The cutting of the hay meadows annually and closely pasturing the grazing land has a slightly injurious effect upon the grass, causing it to die out and become less productive. This, however, is only temporary, and it would soon recover upon rest. It has only been within the past few years that we have been able to lease all of our lands. In the sparsely settled sections in the western part of the State the ranges were parceled out by agreement among the settlers, and they used the land without paying any rental for it. In a few cases, where we had quite large bodies of contiguous institution land, we leased the same to individuals in large tracts for pastures.

The revenue, however, derived from this sparsely settled country has been very immaterial. Our case is somewhat different from yours in this, that our lands are generally largely scattered, and those we do not sell under \$10 an acre are largely located in the settled country. In a few cases, where we have large tracts and have leased them in a body and the same have been fenced up, it has produced considerable dissatisfaction to adjoining settlers in this, that it has impeded travel across the country, in many cases closing up trails and natural courses of travel. These, of course, are mostly in unorganized territory where there are no legally laid out public highways.

As a practical proposition I do not believe the leasing of land by the General Government is desirable from any point of view. If leased in small tracts the only part that would be leased would be that containing water, and with the end in view of monopolizing a large part of the range in this way. If leased in large tracts it would have the same effect and tend to keep out the small stock raiser. In this State we are much gratified at the fact that the small stock raiser has practically driven the large operator from the State, and in the territory where once a few large bands occupied the whole range the country is filling up with small herds and becoming the home of men who become citizens of the State, who pay their taxes, spend their money here, and help to build up and sustain our public institutions.

I have the honor to be, very respectfully,

FRANK WHITE,
Governor of North Dakota.

STATE OF KANSAS, EXECUTIVE DEPARTMENT,
Governor's Office, Topeka, May 6, 1902.

HON. JOHN F. LACEY, *Washington, D. C.*

DEAR SIR: I am in receipt of yours of April 30 requesting a copy of our local land laws on the system of leasing the public lands, and inquiring what amount of land has been leased in this State under the local laws, the price per acre or per quarter section, the length of lease, etc. In answer to the same, I have to say that we have very little land in this State subject to lease. Under our law "The board of county commissioners, county treasurer, and county superintendent of public instruction of the various counties in the State of Kansas are hereby empowered to enter into contracts, and lease for any purpose all school lands in their respective counties which are subject to lease under the provisions of this act."

The law contains a provision "That said contracts or leases shall not be for a period less than three nor more than five years, and for not less than twenty-five dollars per year, per section, or a proportional amount for any subdivision thereof."

Under this provision of the statute there is now under lease in this state something more than 320,000 acres at something more than the minimum price fixed by the statute—\$25 per section. It is safe to say that the average amount received per section is \$30. No improvement in the product of the grasses on the leased lands has been noted. Inclosed find pamphlet prepared by our State auditor relative to Kansas school lands, and this, with the brief information I have given you, embraces, I think, the extent of our experience in Kansas on this question.

Yours, very truly,

A. E. STANLEY.

STATE OF SOUTH DAKOTA, EXECUTIVE CHAMBER,
Pierre, May 16, 1902.

HON. JOHN F. LACEY,
Chairman Committee on the Public Lands, Washington, D. C.

DEAR SIR: Your favor of April 30 was by me referred to the honorable commissioner of school and public lands for South Dakota. In reply I have just received from him the following statement, which I believe answers the questions which you submitted:

"Our State school and endowment land laws provide for grazing and hay leases for from one year to five years; prices varying from 5 cents per acre each year to 10 cents; varying more in consequence of demand than in quantity and quality of grass. The State owns 698,000 acres, of which about 400,000 acres are now under lease. In contiguous bodies it varies from 40 acres to 20,000 acres, the larger bodies being in greater demand.

"Nothing has been done to improve the grasses on our State grazing lands. Close grazing injures rather than improves these lands."

I have the honor to remain,

Very respectfully, yours,

CHARLES N. HERREID *Governor.*

STATE OF OREGON, EXECUTIVE DEPARTMENT,
Salem, May 21, 1902.

HON. JOHN F. LACEY,
Washington, D. C.

DEAR SIR: Replying to yours of April 30, concerning the local laws in Oregon governing the lease of public lands, allow me to say that we have no State laws upon that question, and therefore I am unable to give the answer to any of your questions submitted.

I may say, however, in general terms, that the people of Oregon are very much opposed to the leasing of public lands for grazing purposes, and I would suggest that you consult with Hon. M. A. Moody, our member of Congress, who, I am quite sure, reflects the general sentiment of our people on that question.

I remain, yours, respectfully,

T. T. GEER, Governor.

TERRITORY OF NEW MEXICO, OFFICE OF THE EXECUTIVE,
Santa Fe, May 24, 1902.

DEAR SIR: I am in receipt of your letter of the 30th ultimo, and would have answered it before this but have been absent from the city. I take pleasure in inclosing herein a communication received by me from Mr. A. A. Keen, commissioner of public lands of the Territory of New Mexico, which will answer the questions set forth in your letter.

I would state that the feeling of the people in New Mexico is almost unanimous against any lease law being passed by Congress, unless it was under the control of the State or Territorial authorities. I can not but believe that the lease law will be in the interest of large companies and corporations, and that it would be only a short time until possession of all the vacant public domain would pass to the control of a limited number of men and agencies. The small stockmen have never asked for nor do they desire a lease law. I do not believe that a lease-law bill could be framed which would give the owners of small herds and flocks the privileges and opportunities they enjoy under conditions as applied to the public ranges that exist to-day. The small stockmen seem to be prospering, and I would not like to see them disturbed.

Another reason why I am opposed to the lease law is on account of the immense sheep interest of the entire Southwest, and particularly in the Territory of New Mexico. We have upwards of 5,000,000 head of sheep in the Territory of New Mexico, and during a season of great drought, similar to the one we are just passing through, it is necessary at times to drive the sheep from one portion of the Territory to the other in order to get water. It would simply be impossible to carry on the sheep business and be compelled year in and year out to remain on one range. The passage of the law would simply be ruinous to our chief stock interest.

With assurances of esteem, believe me to be,

Very truly, yours,

MIGUEL A. OTERO,
Governor of New Mexico.

HON. JOHN F. LACEY, M. C.,
Chairman Committee on the Public Lands,
House of Representatives, Washington, D. C.

OFFICE OF COMMISSIONER OF PUBLIC LANDS,
Santa Fe, N. Mex., May 24, 1902.

HIS EXCELLENCY MIGUEL A. OTERO,
Governor of New Mexico.

SIR: In reply to your communication, inclosing one from Hon. John F. Lacey, chairman Committee on the Public Lands, under date of 30th ultimo, requesting information as to the results of our system of leasing land within this Territory, respectfully submit the following:

The act of Congress approved June 21, 1898, granted lands to the Territory for use of educational and other Territorial institutions, including sections 16 and 36 of every surveyed township that are nonmineral in character and not included within land grants or other reservations.

This board held its first meeting on March 27, 1899, and entered upon its work of

administering the laws as prescribed by the Territorial legislative act approved March 16, 1899. A copy of the laws then approved and subsequently amended by the act of Territorial legislature approved March 20, 1901, is herewith attached, together with copy of application, lease, and deferred-payment note used by this board in leasing lands.

Our work thus far has been confined to the leasing of school sections 16 and 36, inasmuch as the lands granted for the several Territorial institutions, while selected by the United States Land Commission, a commission provided for by the Congressional act of June 21, 1898, for the selection of lands under said act, have not as yet been entirely approved by the Department of the Interior.

We receive applications to lease for a term of five years in accordance with the following established minimum rates: Two cents per acre for sections without water, five cents per acre for sections having water thereon, ten cents per acre for sections that are agricultural in character.

Anyone over 21 years of age may apply for a section. Applicants must accompany their applications with first year's rental offer in cash, post-office money order, or draft. We issue no lease for a less annual rental sum than \$12.80, notwithstanding a section may be incomplete as to area (640 acres). Otherwise an applicant would apply for a fractional part (covering water) of a section, and the balance of said section would then remain vacant and unapplied for and the revenue thus diminished, while the lessee would virtually control the balance of the section and surrounding land.

Applications received during the current month are passed upon the first Monday of the following month, at which time a lease in duplicate is sent to applicant, with four deferred-payment notes to be executed by the lessee. All deferred-payment notes are due and payable at this office on the 1st day of October of each year.

Sections 16 and 36 were granted the Territory for leasing purposes and are not for sale. The revenue derived therefrom, less the expense of this office, is transferred to the Territorial treasurer, for the use of the public-school fund.

The Territorial treasurer, quarterly, on or before the first Monday of March, June, September, and December, certifies to the Territorial superintendent of public instructions the amount of funds to the credit of the public-school income fund, and within twenty days thereafter the Territorial superintendent of public instructions shall make the apportionment of said funds to the various counties, according to the pro-rata enumeration of school children in each county, last returned from the county superintendent, and shall certify the apportionment of each county to the Territorial treasurer and Territorial auditor and to the treasurer and superintendent of each county, and the Territorial auditor shall draw his order on the Territorial treasurer in favor of the treasurer of each county.

We have on file 832 leases approved by the honorable Secretary of the Interior, and 29 leases in the Department of the Interior awaiting approval, representing an area of 550,000 acres.

The revenue derived therefrom to date is \$41,296.90, representing the first, second, and third years' rentals, and in some cases the entire five years' rental, paid in advance.

Of the above 832 approved leases 645 were issued at the 2-cent rate, 163 at the 5-cent rate, and 24 at the 10-cent rate per acre. Those leases which were issued at a higher rent per acre than 5 cents were brought about by competition, there being more than one application for the same section.

As to whether "any improvement in the product of the grass has been noted on leased lands," would say that where lands have been leased solely for grazing purposes at the rental rate of 2 cents per acre, and used for that purpose without fencing, the percentage of increase in growth of grass product has not been perceptible; however, when fenced the increase has been very noticeable, particularly so on sections leased at higher rentals, which would include hay lands and lands subject to irrigation, resulting in the raising of alfalfa.

I trust that no legislation will be enacted that would bring our school sections into competition with the lands that may be leased by the Government, and thus deprive us of funds we are now realizing for so good an object as the public-school fund.

In conclusion will say that the past year has been very gratifying when one considers the number of applications received and leases awarded for school sections 16 and 36, particularly so when the results thus far obtained are compared with statistics of corresponding years of other State and Territorial land boards.

Very respectfully,

ALPHEUS A. KEEN,
Commissioner of Public Lands.

STATE OF IDAHO, EXECUTIVE OFFICE,
Boise, Idaho, May 19, 1902.

HON. JOHN F. LACEY,
House of Representatives, Washington, D. C.

SIR: I beg to acknowledge the receipt of your letter of the 30th ultimo, and in reply to forward herewith a printed copy of the land laws of this State relating to the leasing, etc., of lands, and further to say in reply to your question as to the advisability of leasing the public grazing lands of the United States, that it is my belief, as well as the people of this State, that it is not good public policy for the United States to lease its grazing lands, either in small or large tracts. I make this statement quite positive, as it is the general wish of the people of this State that the public domain should be left free.

The lands leased in this State are usually in small tracts of from 40 to 160 acres and are almost entirely for farming purposes and are usually purchased within a short time by the lessee. They are leased upon a rental of one-tenth of their appraised value, usually for a term of one or two years. The amount of land thus far leased in this State during the present year is 21,377 acres. The amount received from the lease system of lands owned by the State during the year 1901 was \$14,039.

Very respectfully,

F. W. HUNT, *Governor.*

EXECUTIVE DEPARTMENT OF ARIZONA,
Office of the Governor, Phoenix, May 6, 1902.

HON. JOHN F. LACEY,
*Chairman Committee on the Public Lands,
House of Representatives, Washington.*

DEAR SIR: I have the honor to acknowledge receipt of your letter of April 30, 1902, in regard to the leasing of the public domain for grazing purposes, in reply to which I have to say that there is no law, Federal nor Territorial, whereby lands are leased in Arizona for grazing.

School lands (sections 16 and 36 reserved) are leased in single sections (usually for farming) under the act of Congress of April 7, 1896, and a subsequent Territorial act, at such prices per acre as the boards of supervisors in the different counties prescribe. None of these lands, however, are leased for grazing, because of limited area and excessive cost.

It is stated by stock raisers in Arizona that it would be unprofitable to pay rental for grazing lands at more than 2 cents per acre as a maximum, and that for much of the public domain within the Territory 1 cent per acre would be an excessive price. There are districts in which stockmen could safely undertake to pay 1 cent, they tell me; but throughout most of the Territory the supply of grass is so precarious on account of the variable and uncertain rainfall that nothing more than a merely nominal rental could be paid. For illustration, these stockmen have directed my attention to ranges covering an area 30 by 15 miles, on which it is not safe to place more than 2,000 head of cattle, otherwise such ranges would be overstocked in dry seasons; although there are occasional seasons when such a range would support 100,000 head. But the stockman can not safely make his calculations on other than the normally dry years.

In reality much of the so-called grazing land in Arizona is "browsing" land, upon which there may be no grass whatever during many months in the year. The best grazing land of the Territory is largely within the forest reserves and Indian reservations, from which grazing has been excluded by the Government to a great extent.

It is manifest, therefore, that on account of the peculiar conditions of climate in Arizona, and the absence of perennial grass on most of the public domain, it would be practically impossible for Congress to fix an arbitrary rental which could be applied fairly to all districts in the Territory.

Personally I favor the leasing of the grazing lands in this Territory at a reasonable price per acre, but entirely subject to Territorial control; the revenue derived from leasing to be a Territorial asset.

Yours, respectfully,

N. O. MURPHY,
Governor of Arizona.

LETTERS ADDRESSED TO VARIOUS MEMBERS OF CONGRESS IN REGARD
TO LEASING.

Fred P. Johnson, assistant secretary of the Cattle and Horse Growers' Association of Colorado, writes as follows:

DENVER, February 4, 1902.

HON. JOHN F. LACY,
*Chairman Public Lands Committee,
House of Representatives, Washington, D. C.*

MY DEAR SIR: In a recent letter from Hon. Gifford Pinchott, Bureau of Forestry, Department of Agriculture, he stated that you were very anxious to find a form of lease that would protect the range from destruction, and as I have been working on this same line he suggested I write you the results of my observations and study on this subject.

I have written and destroyed a half dozen plans for a lease law that would fit the conditions on the public range, and I have arrived at the conclusion that it is impossible to make such a law that would be satisfactory unless the present land laws could be repealed. I have found that a law based upon modifications of the Australian law would be very satisfactory; but this would involve the repeal of the homestead law, and it is hardly likely that the people would submit to this at this time for sentimental reasons, though I am of the opinion that this great law has outlived its usefulness and is now about the worst law we have upon the books.

The range situation in the West is rapidly approaching a climax; indeed, the crisis is already here, if I know anything of the situation. We are destroying the Government lands at the rate of millions of acres per year and overtaxing the lands that still possess grass to such an extent that a comparatively few more years will see the end of the public pastures unless something is quickly done. While we are discussing theories as to the government of these lands the destruction is going on. Sheep men are fighting desperately for grass for their increasing flocks, and cattle men are as desperately fighting to keep them from the little range left which they have preempted. With millions at stake, is it any wonder that human life is sacrificed in the struggle as ruthlessly as the cattle and sheep are destroyed by the clashing stockmen. The number of lives that are being destroyed every year in this frantic struggle for grass, which in this case may also be written "money," is something appalling.

Thus far these deaths are largely covered up. The people in the East hear of a ranchman shot or a sheep herder killed, and about the only impression the item makes on their minds, if it leaves any, is that there has been another fight among lawless men on the frontier and some were killed. If you were to arise in the House and make the assertion that 500 men, citizens, lost their lives last year because of the Government land laws, the statement would doubtless create surprise, yet I dare say that if the truth could be obtained the figures would reach or even exceed this number. And many of them were law-abiding, good, honest citizens, seeking to establish a home in the West. I say nothing of the destruction of property, the slaughter of flocks of sheep, and killing of cattle and destruction of the range grasses; these are mere incidents. To one in position to know the facts the present situation is as senseless as it is intolerable, and something should certainly be done at once to change the conditions responsible.

When the laws of any government are responsible for hired murder, then it is time that such laws were mended. This is harsh language, but I believe the situation justifies the words I use.

The present land laws are a failure in this respect: They provide for no government or control for the use of the public pastures. This has resulted in a promiscuous use of the lands, overgrazing, crowded ranges, conflicting and clashing interests seeking to use the same pastures, the strong pushing the weak to one side, and a general free-for-all scramble for grass, which results in the waste of as much as is actually consumed. Sheepmen and cattlemen are fighting each other and among themselves, and there is no protection for the man who has tried to build a home in the desert and depends upon the adjacent range for his support while he conquers the desert.

The simple solution of the problem is some sort of government or control of the use of the range. The present laws not only do not provide this, but actually prevent it. For instance, a group of cattlemen in a neighborhood agree among themselves to keep their stock from a certain portion of the range for a part of the year, in order that the grass on this portion may reseed, the range recuperate and provide better feed later on. To accomplish this it is necessary to build a fence, known

as a drift fence. This fence harms no one—is a protection to the range; but the law says no, and along comes the Government agent and orders it down, and immediately there is a wild scramble for the grass. Thus the attempt of the people to provide the protection to the grass that the law does not provide is frustrated, and they join in with the rest in the free-for-all scramble, though they know it means destruction to the grass and it is to their interest to preserve it.

As a lease law is a problem still unsolved, why wait on it? Why is it necessary for the Government to continue the ruinous policy now in vogue while the destruction of the range continues? My opinion is that the Government should at once step in and take charge of the ranges and control their use. I believe this could be accomplished by a very simple bill, providing that hereafter the use of the grass on the public lands for grazing purposes should be under the control and direction of the Secretary of the Interior (or Agriculture, it makes no difference), and that he shall have authority to make such rules and regulations as will prevent the overgrazing, crowding, conflict of interests, and misuse of these public pastures as he shall decide to be proper and right.

This would put an immediate end to all trouble, and I believe would stop the destruction and murder now going on. The fact that it is necessary to stop the destruction of the grasses on the range is sufficient reason for such a law. Such a law would meet with but little objection from the range people. Indeed, I believe they would receive it with joy. Of course there would be some objection; there always is to any proposed change of existing conditions, but there would be none worth considering.

The Secretary of the Interior, Mr. Hitchcock, is, I understand, at present engaged upon a plan for the control of grazing on forest reserves. The basis of the plan is cooperation between the stockmen actually on the range and the Government. This plan meets with approval from stockmen all over, and with very little modification could be applied to the general range.

The Secretary should be allowed to charge a reasonable fee for the privilege of grazing, enough to pay the expense of government. This would be cheerfully paid by the stockmen. What the Government wants, I assume, is to prevent the destruction of its public lands, to encourage their legitimate use and final occupancy by citizens. I assume that the Government is not in the land business for the money there might be in the speculation, but simply to guard them and to improve them where possible. The plan I propose does not interfere with any of the laws now in force, but simply provides a control that is needed and which common sense dictates is necessary. When the theorists get through discussing and if the time ever comes when a practical lease law can be found, there will be nothing to prevent its adoption. The only change in existing conditions will be to bring order where chaos now exists and to bring prosperity where disaster is now threatened.

As I have no personal interest involved in this matter beyond those of any citizen who desires to see his country grow and prosper, and am simply a newspaper writer who became interested in this problem through natural circumstances incident to the practice of my profession, I hope you will receive this suggestion in the same spirit in which it is given. As I have been in close touch with the various conflicting interests on the range, I feel positive that some such plan as this should be put in force at once. I have no doubt but that the Agricultural Department can supply you with plenty of data to back up the assertions I have made regarding range destruction.

Very respectfully,

FRED P. JOHNSON.

POTTER, NEBR., February 3, 1902.

HON. DAVID MERCER,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to H. R. 7212, a bill to provide for leasing for grazing purposes of the vacant public domain, etc., I beg to urge upon you the importance of this measure in the interest of the stock business of our State, which is a business of so great magnitude and importance to the State at large as well as to the section which will be affected by said bill. This bill seems to afford just and ample protection and privileges alike to small or large owners of land as well as to new settlers, and I think it should commend itself to anyone familiar with or who will investigate the conditions of our stock industries.

There may be prejudices against the so-called cattle baron to contend with, but these are prejudices pure and simple and are creations of the imagination or relics of the past, when conditions were entirely different to those now prevailing or that will ever again prevail, as the entire tendency and demand of the business is such

that all stock holdings must of necessity be smaller to attain greater perfection in production and financial results. The days of success in common stock being past, the producer to prosper must be producing better stock constantly and be continually improving the same, and in order to meet these ends it is a dire necessity that such producer must own or control such lands as are necessary to the uses of his herds.

This present system requires large investments in lands and for equipments and reclaiming unproductive lands by irrigation, and to justify capital in seeking such investment, and for the protection of millions already invested, it is absolutely necessary that this measure or some similar measure be made the law, otherwise we must recognize the fact that our present capital is to be subjected to a fearful shrinkage, and that we must of necessity hold on to a business which is constantly depreciating in value, as with no such aid it will be an impossibility to dispose of stock ranches at 50 cents on the dollar of their actual value at the present time. As is well known, under former methods the stockmen have occupied the public domain under sufferance and with no vested right, and have only been able to acquire vested rights as titled portions of the domain have passed from the Government to individuals in limited acreage, which are not adequate to the necessary requirements of a business of such importance and one in which such large capitals are vested.

In wishing relief as to the leasing or selling the public domain the stockmen ask such aid solely as a business proposition by vested rights and legitimate stability be given to so important a business, and there is no such idea prevailing as land grabbing or interfering with rights or privileges of others, freezing out or driving away of anyone who is or may become a landowner or occupant of land with vested rights, but we do wish to have an established status for our holdings as against roving herds and others with no real-estate holdings, and in H. R. 7212 this is provided for with real-estate holdings as the unit of acquisition and which I think most equitable basis for any disposition of the land question, while at the same time all rights of the actual homestead settler are reserved to him for his use and benefit at any time. The importance of favorable action upon this measure to the stock business throughout the country, and not to any one locality, I hope will impress you favorably, and that you will give it your hearty support.

Very respectfully,

JOHN M. ADAMS.

TOLTEC, WYO., May 21, 1902.

HON. JOHN F. LACEY.

DEAR SIR: The mass of the settlers wish the land laws left just as they are. Under a leasing bill a few large outfits will lease the whole country. They have under all the land laws, by scrip and leasing State lands, gobbled up all they can; and under a leasing bill the small rancher may as well pull out.

Governor Richards is the head of a large sheep company, and with the tariff on wool can lease everything that they want. The different members of the company and their employees each can make a lease. And he, as governor-chairman of the land board, I know as a fact, have had the preference in the leasing of the land donated to the State. Let the land laws alone.

With the tariff on wool the big sheep companies have a great advantage over all other stockmen. Give us free wool and the small rancher can look out for himself.

The great mass of the settlers on the Western plains can not be heard. Only those that are able to hire a lawyer, like Mr. John P. Irish, are represented before Congress, and us poor devils have to take what is left or what we can get. I have heard the sheepmen boast that they were the only stockmen that could afford to lease the public domain—and that is true.

Most respectfully, yours,

ALEX. MOORE.

CHEYENNE, May 16, 1902.

Congressman LACEY.

YOUR HONOR: From the papers I learn you are in quest of information from the small owners of stock within the arid regions concerning their views on the land-leasing question now before Congress. I belong to that class and think I can view their sentiments, which is for simple justice and a just opportunity to all to make an honest living. I am sure the following suggestions incorporated in a bill will meet with the approval of a large majority of all the people, viz:

First. The Government to lease the grazing land at not more than 3 cents per acre, and only to actual settlers and residents of the State or Territory where the lands lay, and excluding all who now hold Government lands by means of an illegal fence,

excluding all foreign persons from the benefit of this act, and to limit in amount, say from 5 to 10 sections (3,200 to 6,400 acres), any person or corporation can lease, and prohibiting them from subleasing or hiring substitutes to procure for them. In other words, safeguard the range from monopoly by rich foreign syndicates. Those not in need require no help. Those in need require help.

The most of the grazing land within the arid regions of the United States is monopolized by rich individuals and rich companies and foreign syndicates, and by means of unlawful fencing, and they now design to make their unlawful holdings secure. I have talked with them and read of their deliberations in conventions of stock associations, and know whereof I speak. Please give the above your careful and earnest attention in the name of humanity.

Respectfully,

FRANK KETCHAM.

CARLTON, COLO., May 16, 1902.

Chairman LACEY,

House Committee on the Public Lands, Washington, D. C.

DEAR SIR: Can you favor me with a copy of your bill on "Leasing the public lands?" I am very much interested in the leasing proposition, and want to carefully study your bill.

Something will have to be done soon or the small stockman of the West will be forced out of the business by the large owners and nomadic range pirates, who drive their large flocks or herds on the usual range of smaller citizens and graze off all their range, besides the range itself is being overgrazed and destroyed. This is the condition in southeastern Colorado.

Hoping you can favor me with a copy of bill,

I am, yours, truly,

MARSENA J. McMILLIN.

FRANKLIN, MONT., March 20, 1902.

Congressman LACY, Washington, D. C.,

Chairman of House Committee on Public Lands.

SIR: Just having read a statement attributed to you where you are quoted as saying that the small ranchmen are opposed to the leasing of public lands, and this is surely a mistake, as every resident ranchman throughout the West would welcome the leasing of the public lands under certain restrictions.

The Bowersock bill is a large improvement on present methods, but it can be improved on. The real opposition to the bill in this State comes not from the small ranchman, but from parties living in the cities who throw their stock into the country, devastating the range, feeding out the ranchman, providing nothing for winter, caring nothing for the condition of the range. Invariably sheepmen, this is the class of men that are opposing the bill. Just the other day Senator Clark of this State received a large petition requesting him to work against the bill. Every signature to that petition was a sheepman, and not a cattleman. They are opposing the bill to a single man. All small ranchmen throughout this State have watched this Congress, patiently waiting, hoping, and praying that some bill be passed that would afford them a little protection, as well as protect the ranges for the future, which are fast being destroyed by the sheep industry. Two years more and it will be too late.

I would suggest a bill that would lease land enough to one man to graze 200 head of cattle or 1,000 sheep, which would require 15,000 to 20,000 acres, at 2 cents per acre; leases not transferable; no settler to be surrounded with a lease; actual settlers given sixty days in which to select lease; nonresidents of State not allowed to lease. The Government should prohibit the running of all stock on the public lands.

I can not see why the Government should not receive a rental for its grazing lands and settle this range question, which is becoming to be a very grave problem on the Western range. Something must be done in the near future to solve the problem, or there will be a great loss of property and, may be, life. I can secure a large petition from actual settlers in this neighborhood praying for a lease, if you desire it, but by all means try and protect the ranges of the West from being utterly destroyed.

I have run both horses, sheep, and cattle on the ranges of Montana for twenty-five years and consider I know something of what I write.

Any further information that you may desire on this subject I will be pleased to furnish at any time if this is acceptable.

Thanking you in advance, I remain, a ranchman,

CHARLES F. HUCKINS.

References given upon request.

VALENTINE, NEBR., May 2, 1902.

HON. JOSEPH H. MILLARD, *Washington, D. C.*

MY DEAR SIR: I see by the papers that Major Lacey, chairman of the Committee on the Public Lands, has introduced a bill for the leasing of the public lands.

We know nothing of the nature of this bill except what appears in the papers. As outlined in the papers this bill is quite generally approved by the people here to whom I have spoken, even those who have heretofore opposed the other bills, and I believe it will be quite generally approved by the cattlemen throughout Cherry County as well as farmers and business men.

Will you please have a few copies of the bill sent me that we may examine the same. Thanking you in advance,

I am, very truly, yours,

J. C. PETTIJOHN.

CLAYTON, N. MEX., March 10, 1902.

HON. JOHN F. LACEY, *Washington, D. C.*

DEAR SIR: I have a letter from Speaker Henderson in which he says he has been over very carefully with you the subject of leasing the Government lands. The bill not only has the unqualified indorsement of the American Cattle Growers' Association, who met in Denver last week, but of all the best stockmen in every locality I have recently visited—Oklahoma, New Mexico, Colorado and Kansas. I sincerely trust your committee will see fit to report favorably on it.

Very respectfully,

FRED. I. BURCH.

VALENTINE, NEBR., May 8, 1902.

HON. JOHN F. LACEY, *Washington, D. C.*

DEAR SIR: I take pleasure in acknowledging receipt of your letter of May 5, accompanied by a copy of the leasing bill prepared by you, for which accept my thanks.

I agree with you that the bill you have framed takes care of only the small land-owners and small stockmen, while the Bowersock bill was in direct opposition to their rights and interests.

If a lease bill is really a necessity I fail at the present time to see wherein your bill could be improved upon, and feel confident it or a very similar measure would meet the approval of our people and would not work a hardship to this section of the beef-producing country.

I shall take pleasure in reproducing your bill in the columns of my paper and commenting editorially upon the same.

Permit me to assure you that the people in whose interest you have drawn this bill fully appreciate the kindly interest you have taken in the matter, and the careful consideration you have shown in their behalf.

Yours truly,

W. S. BARKER.

MARSLAND, NEBR., May 13, 1902.

HON. JOHN F. LACEY.

SIR: I take the privilege of addressing you on the all-absorbing question of this county, Sioux, in northwestern Nebraska, in regard to the disposal of the public domain. Will Congress pass a lease law? Of course, if they did, it would be still subject to homestead entry. Now, the fact is, there is not one-third of the homestead settlers in this county, Sioux, there was twelve years ago.

A great many abandoned their claims after trying to make a living by raising grain, and failed for the reason that this is nothing but a grazing country, and never will be on account of lack of rain and early and late frosts and hail storms. Starved out, have sold their claims for what they could get, or left them, not having stock nor means to get started in stock raising.

There are others who have locations on streams that have bought claims till they have acquired a section or two or three of deeded land which they have fenced for hay land, and have fenced pastures on Government land which they would rather lease than be compelled to remove their fences; while there are others with small holdings of deeded land and large herds of cattle and horses who clamor to have fences pulled down so they can pasture the whole country. Why could not the control of these lands be given to the different States like the school lands? It seems to

me they could manage it cheaper and to the advantage of the public, knowing the wants of the different States. These are personal thoughts, suggested by personal observations.

Yours,

D. D. MILLER.

GORDON, SHERIDAN COUNTY, NEBR., May 8, 1902.

HON. JOHN F. LACEY, *Washington, D. C.*

SIR: As I am interested in a small way in the disposition of the public lands and do not wish to be squeezed out by any large cattle companies, I thought I would write you a few lines on the subject. In this little community of Pole Creek, 18 miles southeast of Gordon, there live something over a dozen families—honest, industrious people, who held on during the hard times, when so many nearly gave away their land and left the country.

Now we are enjoying a fair degree of prosperity. Nearly all of us have some public land fenced. I, myself, have only half a section of it under fence. The cattle company which is nearest us is known here as the Spade, the head man of which is Bartlett Richards who is now or has been in Washington. I understand he claims to be working in the interest of the small ranchmen and farmers, but I have not heard of anyone who believes it. A few years ago a fire was sweeping toward our little valley, and men and women went out to fight it, and only saved our homes by great exertion. While they were plowing and backfiring, this man Richards came up to them and tried to scare them to keep them from burning up "my range," as he expressed it; said range being public land, to which he had no more right than we had; but he would have been willing to have us all burned out to save a little grass for himself. A few years ago he was absent quite a while, and it was supposed he was in England—he is an Englishman—but when he came back the statement came out in the *Gordon Journal* that he and his own niece had been living in Germany in order to be naturalized and get married, which they could not do in England, and of course could not do in this country. Whether he is still a German citizen or not I do not know.

I have it on good authority that they dehorned cattle during very severe weather in February, and not only dehorned them, but sawed a large piece of the skull off with each horn. The lady who told me saw some of the horns, and said the pieces of skull were as large as her hand, and it made the men sick to do it, but they said they had to obey orders. It makes me mad to think that any American would do such an inhuman thing at the behest of any Britisher. The influences of these large ranches are pernicious on our young men.

I have heard it stated that they saw the skulls off to make the heads of the cattle a nice shape.

I have not time to write to the following gentlemen to ask their permission to refer you to them as to my reputation for truth, but feel quite sure they would grant it: J. Kipp & Son, Aaron Custer, John Hiskey, Jasper Honnold, Jesse Honnold, Z. T. Honnold, J. G. Dix, all of whom, I believe, are constituents of yours in Monroe. Some of them have known me from childhood, and none of them less than thirty years. I will also add the name of Rev. John M. Tool, but I believe he is not living in Monroe at present. I am a sister of Fred Whitehead, of Monroe, and have never forgotten your aid in getting me a pension a few years ago.

Respectfully,

Mrs. E. A. WHITEHEAD HANKINS.

BUENA VISTA, COLO., May 2, 1902.

Congressman LACEY, *of Iowa.*

DEAR SIR: I read with a great deal of interest your bill to lease land for grazing purposes. There certainly must be something done to improve the grass on the public domain to prevent the monopolization of the range. After your bill is printed kindly send me a copy.

Faithfully,

ERNEST WILBUR,
Assistant Secretary Chaffee County Stock Growers' Association.

MAGDALENA, N. MEX., April 17, 1902.

DEAR SIR: Congress in the closing days of its present session will consider and decide questions of vital importance to the cattle growers of the West.

While we are quietly attending to our duties on the range, and hardly keeping track of the trend and full significance of outside events, matters are transpiring which, when finally decided and applied by the authorities, will result in the prosperity or failure of many industrious stockmen.

If we do not look into these questions for ourselves they will be fully at the disposal of men whose interests are often adverse to our own.

If we make our opinions and desires known, as other communities of stockmen are now doing, Congress may be able to give our industry substantial aid and encouragement.

Among the questions on which some decisive action will shortly be taken and on which it will be wise for us as a united body to take a strong public stand at once is the fence on public land. Shall they all be ordered down or shall we petition the Government for greater privileges and so preserve our horse pastures and drift fences?

In order to consider this and similar questions fully and at the request of the cattlemen of this vicinity, we now invite you and all of your neighboring cattle and horse owners to convene in Madalena, N. Mex., on May 15, 1902, Thursday, 10 o'clock a. m., and we urge strongly a full attendance by all who desire to promote the future prosperity of their interests.

Yours, truly,

THE EXECUTIVE COMMITTEE,
CATTLE AND HORSE PROTECTIVE ASSOCIATION OF CENTRAL NEW MEXICO,
By CL., *Secretary*.

GARDEN CITY, KANS., *May 3, 1902.*

HON. JOHN F. LACEY, M. C.,
Washington, D. C.

DEAR SIR: Living as I do in western Kansas, and being engaged in the cattle business, I am much interested in the bill you have framed providing for the leasing of United States lands.

In this section of the country, which is excellent for cattle, it is practically impossible to have a large pasture without inclosing some United States lands which settlers have long since abandoned. Should we be compelled to take down our fences our pastures would be ruined and with it the chief industry of this country.

The passing of your most excellent bill would assure relief in that it provides for leasing of such lands.

Would you kindly send me a few copies of your bill to pass among the business men in this vicinity?

Public sentiment has been changing in favor of leasing the lands as the question is better understood.

You probably do not remember my name, but I am a former resident of Knoxville, Iowa, where I had the pleasure of meeting you and hearing some of your speeches. If you will send me the copies mentioned you will much oblige,

Yours, respectfully,

D. P. CATHCART,
Box 402, Garden City, Finney County, Kans.

THE CATTLE AND HORSE PROTECTIVE ASSOCIATION
OF CENTRAL NEW MEXICO.
Magdalena, N. Mex., May 5, 1902.

HON. MR. LACEY, M. C.,
Washington, D. C.

DEAR SIR: It will be an appreciable favor if you can supply us before May 14 with a copy or two (if already printed) of your bill providing for the leasing of public grazing lands. We shall gladly remit for any expense involved.

A meeting of interested live-stock owners takes place here on the 14th, and your bill as reported in the newspapers will come up for consideration and probably strong indorsement.

Yours, truly,

E. A. CLEMENS.

P. S.—If not printed, can we not, at our expense, secure from a House stenographer a typewritten copy, through your order, in time for our purpose? Any other information or suggestions along the leasing or public-land fencing lines for the guidance of our assembly will be appreciated. Inclosed notice shows nature of the gathering.

E. A. C.

THE CATTLE AND HORSE PROTECTIVE ASSOCIATION
OF CENTRAL NEW MEXICO,
Magdalena, N. Mex., May 22, 1902.

Hon. Mr. LACEY,
House of Representatives, Washington, D. C.

DEAR SIR: The inclosures speak for themselves, and we trust they may have your approval.

Within the next two weeks, or three at the outside, we hope to have several hundred of these petitions in the hands of our Delegate to Congress, Mr. Rodey, and we trust they may have some influence on the matter in hand.

Yours, very respectfully,

THE CATTLE AND HORSE PROTECTIVE ASSOCIATION,
Magdalena, N. Mex.
E. A. C.

THE CATTLE AND HORSE PROTECTIVE ASSOCIATION
OF CENTRAL NEW MEXICO,
Magdalena, N. Mex., May 16, 1902.

Hon. JOHN LACEY, M. C.,
Washington, D. C.

DEAR SIR: At mass meeting of settlers here yesterday the following resolution was unanimously adopted:

"We find the Lacey bill (H. R. 14108, Fifty-seventh Congress, first session, United States) wisely adapted to the betterment of the residents of this region, and we concur by giving it our hearty indorsement.

"As a beneficent measure for the American settler it has been equaled in the past by the homestead law only."

It was immediately after officially commented on in the same words by the executive committee of this association and instructions were issued to have one thousand copies printed, which, with some small petitions and other related matter, will be placed here in the Southwest with our friends.

Thanking you for your watchfulness over the interests of the pioneer, I am,

Yours truly,

E. A. CLEMENS, *Secretary.*

MARSLAND, NEBR., May 22, 1902.

Hon. JOHN F. LACY, *Washington, D. C.*

DEAR SIR: I have read the land leasing bill you sent D. D. Miller, and think it all right and will protect the homesteader and small land holder. The big ones will protect themselves. It would be a great blessing to the small stock owners of this part of Nebraska. If something is not done soon there will be no small men or no range grass or roots to protect.

The land bill, drafted by the cattle or stock association, did not meet the small men's wants, so was largely opposed by them. But as soon as the Department said all fences down off Government land we are all now in line for lease law, and your bill would receive the unanimous support of the small and average stock owner.

I sincerely hope your bill will pass, and pass at once; for if all fences have to come down off Government land by July 1, 1902, it will cause lots of hardships and loss to the small cattleman, along with the big cattlemen, as it will cause so much of the stock to be rushed to market this fall that can not be wintered on the open range.

So, I sincerely hope you will use all your influence with our President and the Interior Department to let the fences remain up on Government land for six months or until we get a lease bill. I think in all justice and fairness, after fences being allowed to remain up so long, we should have from six months to one year to take them down in, unless some large owners have been using some small ones unjustly. Then I, and every just man, would say let their fences come down, but where there is no just complaint, why bring them down so quickly?

At such a useless loss. Stock cattle are lower now by 30 per cent than they were last year at this time, and pure-bred bulls that would bring from \$100 to \$150 last year at this time are a drug and no sale now. I have two sections of Government land fenced in with my deeded land, two sections, and am running 150 head of well-bred cattle, and would rather lose \$500 than have the fences down and many more are in the same fix.

D. D. Miller is my father-in-law.

Yours, very truly,

JOHN L. KAY.

TOLTEC, WYO., May 27, 1902.

JOHN F. LACEY, *Oskaloosa, Iowa.*

DEAR SIR: I wish to inform you that I have been in this State since the year 1876, and have worked with stock on ranches all the time. I now own a ranch and have a large family, and don't know of anything that will make me leave this country without it will be the leasing of land in those mountains to sheep men or large stockmen. If they can do this, the little man will have to take his traps and get. I am a Republican, always have been, and always will be in what is right.

I think if the poor people would think for themselves that the majority would be with me, the most of the small ranchmen can not afford to lease land.

Yours, truly,

NEIL MATHESON, *Toltec, Wyo.*

WESTFALL, February, 1902.

Mr. MALCOLM MOODY,
House of Representatives, Washington D. C.

DEAR SIR: Mr. T. L. Payne showed me a letter written by you in answer to one he wrote you regarding the passing of a lease bill. In it you say that you will oppose any lease bill until such time as the Government shall devise means to protect our public ranges. If this is your stand, I take pleasure in congratulating you on the wisdom of your decision, for that is the proper stand for our delegation to take. The time has now arrived when the General Government should take measures for the protection of our open ranges and put a stop to the indiscriminate grazing of great herds of migratory tramp sheep by those who care nothing for the future welfare of our ranges.

There should be regulations laid down and strictly put in force by our Federal Government that would limit the amount of stock to such a number as our ranges will support without deteriorating, and at the same time give preference to resident owners of stock who came here in early times, went through great hardships and privations, and who made the far West what it now is, and who could never have accomplished what they did only for the free use of the open ranges. Something should be done, and that quickly, in order to perpetuate our fine stock ranges and make it possible to still further settle up the arid West by the coming generation and give our boys a chance, and such boys as Oregon produces—good, independent American citizens.

I started out from Fort Leavenworth in spring of 1857, purchasing cattle for Gen. Sidney Johnston, herding cattle for his command; following winter at Fort Bridger, carried pony express under Major Russell. When our great and good Lincoln was elected President of the United States, I carried the first news over my route of 65 miles from Blounts Station, on the Sweetwater, to South Pass. It went through in about seven days, and I have been in the open range business ever since; have lived thirty-two years in this county in the stock business. So you see I ought to know something of what effect a lease law would have upon the majority of stock raisers and the country in general.

Very truly, yours,

CHARLES BECKER,
Westfall, Malheur County, Oreg.

WESTFALL, March 1, 1902.

Mr. MALCOLM MOODY.

DEAR SIR: Having read your letter as published in one of the Harney papers, in which you are quoted as saying for the people of Oregon to let you know not only what they don't want but what they do want, so I herein inclose a bill setting forth what the small stockmen and farmers do want. It is a bill that, if enacted into a law, would forever settle the range question, leave open for future settlement our public domain, save our open ranges from entire destruction, and give us all an even chance—rich and poor—to graze our stock on the public ranges. Of course this would not suit John P. Irish and his employers.

Hoping that you will present this bill before Congress and your Committee on Arid Lands.

I am, respectfully, yours,

CHARLES BECKER,
Westfall, Oreg.

A BILL to regulate and restrict the grazing on our open ranges without the necessity of leasing the same to big corporations.

SECTION 1. That the Government take charge of the open ranges, divide them off in districts of suitable size, appoint a range warden whose duty it shall be to watch over the district in his care and see that there is no more stock kept on it than the district will support without deteriorating so as to kill out the native grasses, and in every instance give the resident owners of live stock the preference over nonresident, migratory owners of live stock for a district of a limited area, can only permanently support a certain number of live stock, and it is only common sense and justice to give resident owners and all future settlers within each district under our homestead law the preference.

SEC. 2. That there be a board of three or more resident owners of stock go in to session once a year at some designated place within their district, something similar to a board of equalization, to take the report of the warden as to the condition of the grasses within his district, also collect information from all other sources available pertaining to the condition of their district, then consider and form conclusions whether or not their district is overstocked, and to what extent it is overstocked. If they, after due consideration, find it to be overstocked, let them then order a graduated cut on all breeding or other stock as they may consider advisable within the district they preside over, thereby keeping the amount of stock within the supporting capacity of their district.

[By a graduated cut, I mean let the heaviest cut fall on the largest owner of stock. That will give the new beginner on his homestead an even chance to build himself up and forever settle this range question.]

SEC. 3. That the Government divide up the ranges between cattle and sheep. Land which is not adapted to sheep grazing, set it aside for cattle alone; other land adapted to sheep grazing, set it apart for sheep entirely. That would settle all range troubles, both real and imaginary, such as our big live-stock corporations love to harp on, and make it possible for home seekers to take up homesteads and get the benefits of grazing their live stock on the public domain and also have a ready market for all of their surplus products, which under any of the lease bills now before Congress they could not have, and under which conditions it would be impossible for new settlers to maintain themselves, and which would make the homestead law a dead letter, a fact of which the promoters of the lease bills now before Congress are well aware, for they would soon have one of their minions on every watering place and other desirable spots to secure it for them under the homestead act, as they have done heretofore under the preemption act.

SEC. 4. That the Government make such other regulations as might further increase the meat-producing capacity of our open ranges. For instance, make it compulsory for every owner of cattle who enjoys the benefit of grazing his stock on the public domain to provide and keep one sire to every 20 head of female cattle, the same to be not less than a half-breed of some superior beef-breeding stock of cattle. This in itself would increase our beef production on the open ranges from 10 to 20 per cent with some amount of pasture, also make it compulsory for every person running stock on the public domain to provide a certain amount of winter feed to a certain number of stock. That would do away with the wholesale destruction of stock by starvation during severe winters, besides it would be an act of humanity we owe to our domestic animals.

SEC. 5. That the Government levy a per capita tax on all live stock grazing on the open ranges to defray the expenses of administering this act, and use the remainder toward building storage reservoirs and other irrigation works as are necessary to prepare the arid and semiarid land for settlement under the existing and future homestead acts.

SEC. 6. That this act shall take effect and be in force from and after its passage.

BURNS, HARNEY COUNTY, OREG., *February 20, 1902.*

HON. MALCOLM A. MOODY.

MY DEAR SIR: Your efforts to prevent the passage of what we believe to be an unwise and unjust measure to lease the public lands is truly appreciated by men of all political parties.

While we are not prepared to say that no lease law can be framed so as not to deter or interfere with the development of the county, we are, I believe, in view of the abuse of land laws in the past, justified in entertaining some doubts as to the proper administration of future laws. I shall speak particularly of these Harney County

large corporations, most of whom are incorporated under the laws of California, who contribute no support to trade and pay as little taxes in this State as possible, have acquired by the preemption, stone and timber, desert-land, and homestead acts, the swamp-land acts, employing questionable methods, in many cases large bodies of land. In some cases these persons have taken 40-acre lots in strings surrounding large bodies of Government lands, built fences on their own lands, inclosing many places that would make homes.

If any person wants any of these lands there is no road to them. Our statute provides a road of public easement whereby the settler must pay all expenses and damage, which in many cases is more than a poor man can pay, to say nothing of the expensive litigation they are almost sure to have. There has been a number of cases in this county where these persons have bought land all around settlers, put up wire fences, and then forbid these persons to pass through their lands, thus compelling them to sell their homes or pay damages amounting to more than they were able to pay. Persons traveling through these large fields on foot, going to their homes, have been fined and imprisoned, as our justice court records will show. The Department has sent agents here to investigate the fencing of Government lands, but for some reason nothing has been done.

There is not a county road connecting the northern and southern parts of the county, for the reason that these corporations have fenced up the available pass ways and object to any public roads being built, and such is their power that the county authorities shrink from the expensive litigation sure to follow. I mention all this matter to show what power these people, who are most strenuous in urging this Millard bill, have at the present time, which will be increased tenfold under said bill. No home seeker would have the right to go inside their fences to look for land; if he did, he could not pay the expense of getting a road to it. He would not settle on lands knowing that he would incur the ill will of those persons whose past record shows that they have never lost an opportunity to harrass those whom they deem to be in their way.

Now, if there must be a lease law, let the amount to be leased to any one person be as small as possible and not transferable. Be sure to provide ways of getting through these leaseholds, otherwise small stockmen will lose stock inside these fields, and some provision for a public or private road for the men who may take any of these lands for a home. Unless the right to take lands for homes is fully protected so that persons will not be subject to any additional expense or liability to prosecution by persons seeking to control these lands there will be no further development for this part of the State, and the homes of many will be literally confiscated.

Begging your pardon for the intrusion of this somewhat disjointed communication,
I am, yours, very truly,

CHAR. P. RUTHERFORD.

EXTRACTS FROM SPEECHES, EDITORIALS, POLITICAL PLATFORMS, ETC.

[Extract from speech of Conrad Schaefer, of Colorado, before the Convention of the American Cattle Growers' Association, at Denver, Colo., March 6, 1902.]

I want to give you facts. The station of Corona, where I ship, as late as 1893 used to ship two hundred and fifty to three hundred cars of stock. Last year they shipped seventy and will be down to fifty in a short time. On the range where I live, fifteen and twenty years ago we rounded up in one place more cattle than is now in the county. We have got the same land, the soil is there, but the grass ain't there. We have just as much rain, but the grass ain't there. Why? Because it is tramped out. Aridity has so progressed, say in the fifteen or twenty years past, I can see it and notice it.

I know of creeks near our place that have, within the last ten years, lost 10 miles of ground that used to be running water. Why? Why, simply because the grass has been eaten down to the ground, and when the snow fell in the winter the wind swept it along and it evaporated. I know springs that used to flow fifteen or twenty years ago and are gone. Why? Because the forage plants have been entirely extirpated and are gone. I know country down in our region that used to have 6 inches to a foot of grass on it in former years that to-day is a sand heap—tramped out. Why? Just simply because we had our stock marching from 5 to 8 miles to water.

When I crossed to this city in 1870 I used to buy the Snake River and the Bear River beef, and beeves in this country were as fat as they come from the cornfields of Nebraska now. Have we got it now? The steers off the ranges twenty years ago

would go on the market at an average of 1,300 to 1,400 pounds; last year our average was less than 1,000. We have got the same land, only that we have changed the condition; we have wantonly destroyed the goose that laid the golden egg.

At the annual convention of the American Cattle Growers' Association, held in Denver, March 5, 1902, Mr. D. J. Sheehan, of Wyoming, said in part:

"Gentlemen, it seems like we have not made very much headway, and I am like the gentleman over there from Colorado—I came here for business. I am from Fremont County. Our county seat is 125 miles from the railroad. We have farmers up there that own from 10 to 200 cattle, and down where I am, in the Sweet Water, we are more in the range country, and we are all vitally interested in this bill. And our proposition is the leasing proposition, for the protection of men, so we can lay away our Winchester.

"I will say now, some of the stockmen have been in there, in the Sweet Water, as cowboys. We have taken lands, got homes, got families, and every spear of grass is guarded by a Winchester rifle. * * *

And we are building dams now, and every last man in my country is doing the same thing. One of my neighbors is building a ditch that cost him \$8,000, and he has 800 head of cattle, and right in his dooryard to-day is 16 bands of migratory sheep. * * *

The Government has not irrigated any land for me, but something ought to be done, gentlemen, and I say that for these Colorado men, who are inside the dead line and not having any trouble probably. But when the other fellow gets to fighting, we probably will have to kill him, and are likely to have trouble. But I am in favor of laying down the rifle and taking a leasehold, and all my neighbors are, but we want this at a cheaper price."

[From The Live Stock World, May 1 1902.]

LEASING A LOCAL ISSUE.

The Live Stock World has been engaged in the task of making an honest effort to ascertain popular sentiment in the range sections of the West on the leasing question. With this object a member of its staff recently visited Nebraska, Wyoming, South Dakota, and Montana. He found much antagonistic sentiment, especially in urban centers, and surprisingly much ignorance on the subject in view of the lengthy period during which it has been thrashed out.

The Live Stock World man, after swinging around the circle and attending a number of cattle and sheep men's meetings, reached these conclusions:

First. That the bills now before Congress are generally unsatisfactory.

Second. That a suspicion exists that certain large interests are endeavoring to gobble the range.

Third. That leasing is largely a local issue, suited to some and ill suited to other localities.

The suggestion that Congress should frame and pass a lease law satisfactory to all parties interested is, of course, absurd in these iconoclastic days and general disbelief in miracles, yet more than one association has surmounted a difficult topic by urging such a measure. Western Nebraska, for instance, wants leases, and a law could doubtless be passed that would give general satisfaction to the live-stock interests of that State; but the same measure would not suit South Dakota or Montana. Conditions on the range are so varied that no general law will ever be acceptable.

But one way out of the difficulty can be suggested, and it is that each State secure legislation applicable to existing conditions, rates of rental, terms of lease, and proportion of leasehold to freehold to be regulated according to conditions.

[Denver Record-Stockman.]

Some stockmen and newspapers are very much worried over the leasing bills that have lately been presented in Congress. A Montana paper uses up a column and a half of space in an "I-told-you-so" editorial, in which it paints in horrible colors the result to the settlers and stockmen of the passage of these bills and charges the whole thing to the Chicago convention of the National Live Stock Association. There is no more danger of any of these bills becoming laws in the immediate future than there is of their being indorsed by the National Live Stock Association. The big convention in Chicago did not even consider the leasing question, not that it was

afraid of it, but that there was simply nothing more to be done. It is very doubtful if the bills that have been presented ever get out of the committees to which they have been referred, but if they should, they will be torn to pieces in very short order in either branch of the National Legislature.

After about two years spent in discussing this leasing question and considering numerous bills for laws prepared, this paper has reached the conclusion that any attempt to amend the present laws so as to provide for leasing must meet with failure. We believe that it is possible to prepare a leasing law that would fit all conditions and prove a blessing to stockmen and settlers in the arid West, but such a law would have to be built upon independent lines. It would not combine with any of the laws now in existence, and until the people are ready to wipe out the present outgrown land laws and start all over, nothing can be done. The people of the East would protest vigorously against doing away with the homestead law as it now stands, and the West would be opposed to repealing other land laws now in operation.

The change that would be necessary is too radical to be accomplished without a long, hard fight. We are of the opinion that the Western land situation will eventually adjust itself. If the Government takes up the irrigation problem, which now seems likely, this will have the effect of gradually bringing about changes, and it is probable that instead of a lease law some plan will eventually be adopted whereby the people may own their own lands. We are still of the opinion that if a lease law could be adopted it would be a blessing to the West, but the difficulties are too great to be overcome by any simple amendment to the present laws that could be devised. None of the bills now before Congress will stand argument.

[Editorial from the Republican, January 31, 1902, Valentine, Nébr., W. S. Barker, editor.]

THE LAND-GRAB BILL AGAIN.

Two weeks ago the Republican called attention to a proposed bill for the leasing of Government lands, and went on record as opposed to that or any other like measure. Since that time the subject has been discussed editorially in the Omaha Bee and by writers in daily papers. As the people become more familiar with the proposed measure the more they oppose its passage. More and more it develops that the measure is a pet scheme of large and wealthy stockmen, who in some instances are endeavoring to use force to compel small stockmen to state that they too are in favor of the passage of the bill.

Evidence of that character has already developed in this county, but will result in creating a public sentiment directly opposite. The Republican advises the farmer, small ranchman, and home owners to stand pat in opposition to this vicious measure. There is no sound or logical reason why an attempt should be made for the leasing of Government land, and that, too, at a ridiculously low rate, when these lands are being rapidly filed upon. Under the present homestead law these lands are being placed upon the tax rolls of the State at the rate of more than 200,000 acres a year. At the Valentine land office in 1899, 500 homestead entries were made, covering 73,373 acres; in 1900 the number of homestead filings was 753, covering 114,821 acres, and in 1901 the number of homestead filings made was 1,049, covering 157,332 acres. This ratio holds good at all the other land offices in the State.

During the fiscal year ending June 30, 1899, final proof was made upon 267,000 acres of Government land in Nebraska. In Cherry County alone 40,000 acres are being proved up on every year and thereby added to the tax rolls. Of the land which it is proposed the Government lease, there is yet two and a half million acres in Cherry County subject to homestead entry, or nearly one-fourth of all the vacant Government land in the State, and when proved up on readily sells for from \$3 to \$5 an acre.

People here want these lands proved up on that the State, county, and schools will get a revenue from them, and the condition of our State and county treasuries demand that these lands shall not be leased, but pass to patent and become taxable property. The Government will also get much more revenue out of these lands if they are disposed of under the present laws than by leasing. Records show that there are 8,500,000 acres of Government land in Nebraska, and they will all be patented lands in a few years if the homestead laws are not changed to prevent it.

People of this part of the State are opposed to the Bowersock or any other bill that tends to divert these lands from the farmer, small ranchman, and home owner to landlordism monopoly, and will see to it that such measures are not permitted to become laws.

[From The Breeders' Gazette.]

THE LEASE LAW AND SMALL LAND OWNER.

The question of control or leasing of the public ranges of the arid West is receiving more attention every day from people and papers, great and small. Some quite interesting debate has been published in one of the daily stock journals at Omaha between several small cattle growers of western Nebraska. Some of their ideas are good, but many of them are so far from facts, and some of their abuse so unfair, that I shall try to explain to them from a Western standpoint some matters that they do not seem to understand at all.

In the first place, the bill recently introduced in Congress for the leasing of the public lands is drawn to protect the small owner from every standpoint possible.

I personally know all the men of the committee that drafted the bill, and in many conversations with them have gone over this proposition and its many problems, and the one point that always came up was that any leasing bill to pass would require absolute protection for the small settler, and a recognition of all the various means of acquiring title to public lands within the leasehold, such as homestead, desert entry, and timber claims. So when this bill was made, these provisions were inserted, and if the bill was in force to-day, and by reason of his titles one of those dreadful big men got hold, we will say, of 10,000 acres of leased land, any small citizen who so desired could come along and take up a homestead right in the center of the pasture. This could be repeated by as many actual settlers as desired to so locate.

This law is operative in Texas, and to-day the small settler or "nester," as he is known, is quickly changing that great State from a range-cattle State of vast holdings by a few men into a farming State of small holdings. Right here is a good place to tell the antilease small holder a sound fact that he can study over and draw his own conclusions about. That is, Texas is the only State in the Union that has a lease law to-day, and Texas during the past ten years has shown the greatest percentage of increase in the number of farms, great and small, of any State in the Union.

A few facts are worth all the theories that fertile minds can produce, and this fact stands unanswerable to all arguments that the opposer of the lease law brings up in support of his claim, that leasing will have an unfavorable influence on the settling of the country. Now these little settlers in Nebraska that I referred to perhaps do not appreciate that a very large number of men who live in the arid West hardly know that there is any public land to speak of in Nebraska. That State is looked upon as an "Eastern" State by people who live way out in Idaho or Oregon, and many of them do not appreciate the fact that our country possesses public lands so far East.

It is a fact, however, that the public lands are not so important a factor in the States of Kansas and Nebraska, where only a small proportion of the total area is out of the rain belt, as in such States as Utah, Nevada, or Arizona, where the entire State is subject to uniform conditions. So, the Nebraska man, while he may expect fair laws, can not expect the General Government to legislate for his little spot alone, as against the general benefit for the vast country west of him. On the other hand, his rights have been considered and are being cared for.

Who is it, living in the sand hills of Nebraska, that would now take down all the fences (erected, it is true, without right) and return to the chaos of a few years ago? Supposing I should go out to Alliance, or Chadron, or Crawford, Nebr., some day, and for spite enter complaint in the United States court against 50 of the small ranchmen for fencing the public domain illegally. What would happen? Why, simply an order such as Judge Riner recently issued in the A. A. Spough case at Cheyenne, that the fences must all be down within thirty days and the defendants brought into court for sentence. Now, for 2 cents an acre, or some small sum like that amount, would it not be better to have a title and a right to these little holdings? I think so, and I think the Nebraska men who will consider this proposition will arrive at the same conclusion.

Let us take a look out West, where there are mountains, plains, parks, valleys, and deserts; yes, deserts that contain hundreds of square miles of land that I would not pay 10 cents per acre for. I was greatly surprised to find out what a big land-owner Uncle Sam is out there, and how very little territory the States own. For example, the State (and by the State I mean the people who live within the boundary, together with State lands) only owns the following very small percentages of the land within its boundary. These figures are approximately correct: California, the best settled State in the West, 46 per cent; Arizona, 25 per cent; Montana, 24 per cent; Utah, 20 per cent; Wyoming, 15 per cent; Idaho, 12 per cent; and Nevada, (now consider this), less than 6 per cent. These figures mean a great deal more

than the casual reader perhaps gets out of them. The first thing I see in them is the fact of this vast territory belonging to the Federal Government, open and unguarded, the prey of all, uncared for and being destroyed, as all property is wrecked when left without an authorized titled tenant.

How is it destroyed? Well, last summer I saw twenty-five square miles of native forest burning in the Rocky Mountains, and any clear day last summer one could see as many fires burning up the timber on the mountain ranges west of Denver. That is how the water supply is ruined. Then the charcoal burners are almost as bad as the wild fires. Then comes the grass killer; those men who buy steers or sheep, as the case may be, and overstock and ruin a country just because it is public land, and no one has the courage to make laws to protect and regulate the uses of these holdings.

Supposing the General Government would turn over the public lands to the States in which they are located, would that not be an improvement? These lands could be leased or sold, as was thought best, some revenue gotten out of them and some local supervision exercised. Let us take Nevada, with its immense holdings of public lands. Would there not be some benefit to taxpayers from the proper management of these great holdings? Irrigation works could be erected, timber reservations protected, and a general classification of the lands made so as to separate agricultural lands from mineral or grazing lands.

There is another thing: The present land laws are not made with any thought of the vast areas of unoccupied country that could be called "grazing lands." The homestead, desert entry, and timber claim methods of securing titles are not sufficient. There must be some better means of giving the people proper use of the lands that they own. For my own part, I will risk all displeasure and say that I am in favor of a law that will give absolute title and ownership to these lands, through purchase. But that is too far away at this time, and a proper lease is a simple solution.

This lease question is also a solution to one of the silly things now being agitated by people who are either misinformed or want to spend the public money on useless experiments. I refer to the talk of reseeding the public ranges. The trouble with the range is that it is overstocked, and nature is not given a chance to assert herself. I will explain this by an example. A year ago, up in South Dakota, the rangers were greatly alarmed on account of the short feed following a dry season. Thousands of stock cattle were moved and shipped away, and the range was relieved.

Following this came a favorable spring with plenty of rain, and to-day the range in South Dakota is "the best in twenty years," they say; so nature stores away the seeds and roots against the time when man will use judgment, and with a fair season and proper stocking greater results come about than if the Government should employ its entire army in sowing all the grass seed that the world has in stock. Who is going to replant the bunch grass on the Wasatch Mountains of Utah, or the black or white sage on the Nevada desert where the sheep winter, or care for the weeds down in Arizona that come early and make the cattle shed the old hair? Bosh! I will tell you the remedy. Give men some rights and title to the place where their stock runs; they will not overstock it, and nature will do the rest.

We all have our ideas about things. Our ideas are made up largely from the point of view; and according to our opportunities and knowledge of things so will our opinions be. Last year I traveled 33,000 miles in the West on the railways, to say nothing of the hundreds and hundreds of miles that I traveled by wagon and on horseback. I simply mention this as an excuse for a statement that I am going to make—that the West, like a mighty giant, has been aroused; is stretching himself, and is preparing for an activity never before witnessed in the history of America. It is the day of the little man doing big things. Take out here in our own State. The million lambs fed last year was the result of a thousand feeders' work. The beet sugar factories are supplied by the small farmer. The irrigating ditches are owned mainly by the little farmers along their routes, and when we get a lease law it will be the little man who can afford and will outbid the big one, and with the aid of some feed carry three steers where one starves now. When that day comes there will be no more turning loose of overpowering numbers of foreign cattle on local communities, and the nomad, homeless sheep owner, with trail band will cease to terrify and blight a thousand miles of open country from Oregon to the Platte. The West is about to shape itself, and when it does, a lot of these old ideas and methods will drop into oblivion, never to be heard of again, except along with stories of Indian raids, California gold, and the Mormons of long ago. Now, do not try to stop this, for if you do you will simply be run over and lost.

Do not talk about 10-cent corn and 3-cent steers and free land. Leave these things for people who live in the past. Put a fence around your cattle or sheep; pay for

the use of the land on which they graze, improve your stock, and the investment will return you a hundred per cent on the cost of rental and fence. You will be independent and at peace with your neighbor, whether he is a sheep or cattle owner. To the little man out in western Nebraska or elsewhere, I wish to send the message that he is considered where they make the laws by the generous public-spirited men in Congress, because they know his voice is weak, and by those who are perhaps not so inclined because they know he casts the votes on which they depend; and no law will ever find favor in Congress that does not recognize the homestead act as a basis for all other control.

Down deep in the heart of every American citizen is a love and affection for that idea that has followed along with the settlement of this nation, from Virginia and Massachusetts through all of its history up to the present day; and all the money of all the trusts combined would count as nothing against that sentiment, for at heart the American Government is sound and can be trusted.

A. E. DE RICQLES.

ARAPAHOE COUNTY, COLO.

[Sioux Falls Press.]

A MEASURE WITH MERIT.

Congressman Lacey, of Iowa, chairman of the House Committee on Public Lands, has introduced a measure that will at once commend itself to the small stock growers and farmers of the West and will incur the opposition of the cattle barons, who are endeavoring to secure possession of the Government ranges.

Mr. Lacey's bill reserves land-leasing privileges on the public domain to homesteaders and small land owners. It prohibits heavily capitalized individuals or corporations from leasing ranges on any portion of the public domain where settlements exist, but gives them the right to occupy unsettled tracts not occupied by homesteaders or small land owners at a rental price.

There is a strong probability that this bill may not become a law, as it will encounter the opposing influence of men of large means, of syndicates, and of the beef trust itself. A meritorious measure of this character has a hard time in Congress because it seeks the welfare of the impecunious many against the cupidity of the wealthy few.

It should succeed. It will make a vast difference to the State of South Dakota whether its grazing area is peopled by a host of workers or occupied by the herds of alien speculators. South Dakota might aid the Lacey bill by at least commanding the votes and influence of its Congressional delegation in its behalf.

[Minneapolis, Minn., Times, May 5, 1902.]

SETTLERS V. BEEF TRUST.

Strength to the arm of the President in his endeavor to break down the beef-trust fences on the public domain.

If cattlemen are fencing off lands belonging to the people with no legal right to do so, it is the plain duty of the Government to tear down their fences. If they are robbing bona fide settlers of their rights, it is the Government's insistent duty to protect the settlers.

It is charged that this course of procedure will "mix the cattle" and cause great loss to the ranchmen. It may be said in reply that it is of more importance that settlers who intend to cultivate the land and who have legal warrant for their enterprise be protected than that corporations that have merely seized their holdings be continued in their unlawful monopoly.

The abuse of leases, bogus preemptions, and other methods of gaining illegal control of the public lands are a familiar story. It is time to call a halt to the whole business. The monopolization of water courses alone is a serious hindrance to the progress of irrigation and therefore a bar to the proper development of the West. The fencing off of the public domain is entirely unlawful and is sanctioned only by recent custom. It is a bad custom and should not be permitted to crystallize into a prescriptive right.

Now is as good a time as any to define the respective rights of cattlemen and settlers, and in this connection we wish to say that there is much good sense in Representa-

tive Lacey's bill giving homestead settlers and holders of small farms an opportunity to protect the grass in the vicinity of their holdings as a bar to the complete monopolization of ranges by owners of large herds.

The Government has rights in the premises and we are glad to know that President Roosevelt has shown a determination to maintain those rights.

[The Gordon (Nebr.) Journal, Friday, May 2.]

LACEY LAND LEASING BILL.

Congressman Lacey, of Iowa, Chairman of the Committee on Public Lands, introduced a bill in the House last Wednesday that provides for leasing the public domain, limiting leases to small holders. Under this bill no one can lease to exceed 3,200 acres and corporations are barred from leasing any whatever. Leases can not be assigned. Homesteaders can lease ten times the amount of their holdings, not exceeding 3,200. Any freeholder can lease ten times the amount of his holdings, not exceeding 3,200 acres, and it must be adjacent to or in the immediate vicinity of his land.

Where there is not enough land to give each applicant 3,200 acres, it shall be prorated. The leases run for a period of five years, at a rate of from 1 to 6 cents per acre, according to the grade of land. All leased lands shall be subject to homestead, and in such case the lease covering that portion shall be canceled. The bill is intended to favor the small land owners. It will not meet the approval of the large holders and will not become a law.

[Valentine Republican.]

One of the largest live-stock owners in this State has gone to Washington to inform Congress and the Committee on Public Lands what the small stock owners want in the way of a leasing bill. Is it reasonable to suppose that a man with his large holdings is at all likely to voice the sentiment of the small ranchmen and farmers? We wonder if a committee of small ranchmen and farmers would as readily be given a hearing should they call upon the powers that be in the nation's capital. People of this part of the range country will watch with anxiety the outcome of this conference. It is just as well to learn now whether or not the interests of small stockmen and upbuilding of western Nebraska is to be disregarded and trampled under foot.

[Omaha Evening Bee, May 16, 1902.]

LOCAL OPTION LAND LEASING—WHAT LAND AGENT SAYS STOCKMEN OF WESTERN NEBRASKA WANT—REMARKABLE CHANGE OF SENTIMENT—BURLINGTON REPORTS SHOW COPIOUS RAINS THROUGHOUT STATE OF NEBRASKA—CHANGES IN OFFICES OF MILWAUKEE ROAD.

"The all absorbing topic of discussion among thousands of stockmen in Nebraska, Colorado, Wyoming, and Idaho now is the question of leasing the public lands," said C. E. Wantland, who is the general agent of the Union Pacific Land Company at Denver, and who came to Omaha Thursday morning from there. "The change of sentiment on this question has been something marvelous in its extent and suddenness. Stockmen, and hundreds of them, who only yesterday were fighting bitterly every proposition faintly contemplating the leasing of these lands are now actually advocating such a movement most enthusiastically. The only reason why we do not see the effect of this change of sentiment expressed at Washington is that the legislators there are acting on the wishes of their constituents as expressed a year ago. When they get back home many of them will find a very different attitude on this question.

"Just now the problem is how to let those stockmen who are now favorable to the leasing scheme do so, while the ones who still hold out may not be affected. For instance, in western Nebraska the stockmen are all won over and are demanding this method of handling the ranges. There are about 10,000,000 acres of public lands out there, and the stockmen wish to lease them. About half of this territory can be

irrigated. Now, if the western Nebraska people, whose conditions are different from the conditions in other States, can agree upon a fair plan for range control in their State to protect their interests from destruction, why not allow them to have it?

"We think we have this plan now in the local-option scheme. When I proposed this two years ago it met with a storm of protest. Now the stockmen are asking for its establishment in many places. It is a county local option land-leasing plan, which is to be applied to any county whenever the Secretary of the Interior is satisfied that a majority of the stockmen in that county wish it to go into effect."

[Speech of Frank Benton, of Wyoming.]

LAND LEASING.

Mr. President and Members of the American Cattle Growers' Association, Ladies and Gentlemen:

One of the most vital questions of interest before the cattlemen of to-day is the leasing of the public lands. I can not understand how a cattleman can see two sides to this question, and yet some cattlemen have been so fortunately situated so far as to object to leasing. The men opposed to leasing I find are divided into three classes. The first and most numerous are men that run their cattle on the open range and have succeeded so far in keeping a reasonable amount of range for their cattle by drawing dead lines, making threats, writing anonymous letters to sheepmen signed with skull and crossbones, wearing black masks when a crowd of them visited a harmless Mexican to warn him to move his sheep, and once in a while to enforce obedience when sheepmen and sheep herders were so misguided as to insist on getting some of the Government grass (that certainly was never intended by nature for sheep) for their flocks, they have been obliged to shoot a few sheep herders and club a few thousand harmless sheep to death with wagon spokes taken from the wheels of the sheep wagon.

Ladies and gentlemen, I am frank to confess I lack the courage to look a sheep in the eye and hit him over the head with a wagon spoke. I will admit that it had no business being a sheep, and being a sheep I will admit it had no business eating grass away from a steer, but still I could not club it to death with a wagon spoke. I can understand how, in order to strike terror to the hearts of other sheep herders, a lot of cowmen, if they were drunk enough, could shoot an unarmed, defenseless sheep herder if he was slow about getting over the hill with his sheep, because the herder has always had some kind of warning to leave, but the innocent, dumb animal had no warning. I say this class of men have been able through these tactics to hold a certain amount of range for their cattle. But how much longer can they hold it? You may break the laws of the land for a while, ladies and gentlemen, but finally you have all got to come to the feed rack of law and order, whether there is any fodder in it or not. The second class of cattlemen opposed to leasing are the men who have fenced in large areas of Government land, and so far have been able to keep other people's live stock out of their pastures and violate the Government law against fencing up the public domain and are not paying any lease. This class of cattlemen are continually hollering, "Let us alone." Why, some of them have gotten so used to saying "Let us alone," that they say it when they go out to salt their cattle, and down in the sand-hills country of Nebraska, if you just holler "Let us alone" a couple of times you will see the cattle come bawling over the hills in every direction, thinking the old man is coming with salt. But how long are they going to be let alone with the ever increasing herds of cattle and sheep? Only a very short time and they will have to line up to that same rack we mentioned before. Their fences will have to come down the same as Mr. Spaugh's and other men who had more Government land fenced than their neighbors.

As to the third class, they are hardly in the category of live cattlemen. They neither fence Government land nor fight sheepmen. They do not own a water gap or a round-up wagon. They won't even ride on circle at the round-up, but come to the herd after it is rounded up and get some good-natured man to brand their calves and skin their beef, and about all the energy they display is when the round-up cook hollers, "They sit by the fire at the village grocery in winter while their cattle are on the range and breaking into some man's haystacks, and while a letter from the humane society calling attention to complaints of neglect of their cattle, they say, "There ain't any business now, and we don't see how we ever could make any Government land."

Ladies and gentlemen, I have been in the Western country thirty-two years, and thirty years of that time I have been raising cattle. I have tried all sorts of ways, from raising them by the tails in cold, backward springs in Kansas, to raising them with a windlass during the hard winters in Wyoming, and I have raised a few with a patent swing and lever out here on the South Platte in Colorado; and I want to say if you raise cattle successfully you have got to hustle. If you don't hustle some other fellow will, and you find yourself hustled out of the way. The free range, with plenty of grass on it, is a thing of the past, and the only way to stay in the cattle business permanently is to have a lease law and lease as much Government land as you can. Run your cattle under fence, sell four-fifths of your saddle horses and buy registered bulls with the money. Have your cowboys raising hay in place of raising hell. Feed your cattle winters; know where your cattle are all the time, and then you will know where you are at in this great game. Have your fat cattle so you can ship them when the market is right. There is another thing, fellow cattlemen, in connection with the scarcity of grass on the range, and this is the tramping out of the grass by stock going and coming for water. Every cattleman knows that, for every mouthful of grass consumed by stock on the majority of ranges, ten mouthfuls are trampled out of existence by their hoofs. In a great many places here in the West cattle only come to water every other day on account of the grass being so far from the water, and sheep every third day, and these countless thousands of sheep, cattle, and horses keep the grass killed out for many miles back from the water, going back and forth. There are very few places on the range to-day but what water can be got at a reasonable depth, and the windmill does the rest; and if we could lease these hills and plains for a term of years we would all put in windmill wells, and plenty of them, and our live stock would not have to go far for water.

I have heard a great deal of talk about the price of 2 cents an acre a year for this land, and the argument is put forward, and justly, too, that some of the Government land is worth more than 2 cents an acre and some of it a great deal less. With my experience, I would say that land that is not worth 2 cents an acre for grazing is not fit for well-bred cattle anyway, and, as far as I am concerned, I am perfectly willing the sheepmen should have that part of the public domain. And I want to say, further, I believe from what I know of them that they will take it. I believe that they will take anything in the way of range they can get. If we had a lease law don't think for a moment that all the Government land would be leased at once. There would be some tracts leased right away, but we would only lease where we were obliged to, and the great bulk of range would be open, as now, for several years. But a man would have some show to protect his little range from the traveling sheep camps who pay no taxes, who don't build up the country, who are of no benefit in any way to anybody but themselves. Every small ranchman with his little herd of cattle and immovable worldly possessions could lease a reasonable amount of range adjoining his ranch and thus keep his cattle safe and profitably and greatly increase the value of his ranch property.

The conflicts over range rights would cease, and everyone being interested in protecting the grass on his leased lands, we would increase the growth of vegetation in place of killing it out as we do now. Why, what is everybody's is nobody's, and at the present rate of killing out the grass it is only a few years until there will not be any grass that even a sheep can live on, let alone a steer.

In regard to keeping cattle on leased land, I wish to say I think, from experience, that 25 acres of average grass land is sufficient to keep a cow or steer the year round. This would be 50 cents for the lease. We will say a dollar more will pay the fencing, the expense of looking after it, and for the average decline in the value of the fence. Of course we could not fence 25 acres for \$1, but this estimate is based on fencing 2,500 acres adjoining a ranch already fenced, and figuring the fence to last 10 years. One dollar and fifty cents a head is the price you have to pay to have your cattle gathered on any range in the summer time, and if you have them at home always for a dollar and a half a head a year, how much more satisfactory and profitable it is.

I wish to say in conclusion that I am satisfied to let the United States Government manage the lease system. I have lived in quite a number of the Western States in the last thirty-two years, and my experience is that, when the State authorities control anything of a similar nature to this, the man with a pull gets to the first table, while a lot of humble, hungry sort of people have to stand back and fill their stomachs with longings and perhaps a little of the steam that arises off the savory dishes that the people with a stand-in are gorging themselves on, while Uncle Sam tries to treat all his nephews in as fair and equitable manner in matters of this kind as possible, whether they are Democrats or Republicans.

THE REPUBLICAN PLATFORM OF OREGON ON LEASING, 1902.

That the public lands are the heritage of the common people and should be held in trust for the use and benefit of all the people under the homestead laws. We are therefore unalterably opposed to all plans, schemes, or propositions for leasing public domains, either to individuals or to corporations.

DEMOCRATIC PLATFORM OF OREGON ON LEASING, 1902.

We are unalterably opposed to all laws, plans, or schemes made or devised for the leasing of any part of the public domain to individuals or corporations for any purpose whatsoever.

RESOLUTION OF VARIOUS ORGANIZATIONS OPPOSED TO LEASING.

ASTORIA, OREG., *January 29, 1902.*

TO HON. THOS. H. TONGUE, *U. S. Senator, Washington, D. C.*

DEAR SIR: At a meeting of the Astoria Chamber of Commerce, held on the 27th instant, the following resolution was adopted, viz:

Resolved, That this chamber oppose the leasing of any portion of the public lands to any persons for grazing purposes, and that the secretary be instructed to so notify our Congressional delegation and request them to use their influence to prevent the leasing of said public lands for such purpose.

Very respectfully,

[SEAL.]

E. C. HOLDEN, *Secretary.*

HELENA, MONT., *March 15, 1902.*

To the honorable Senators and Representative for Montana in Congress:

At a meeting of the Montana Agricultural Association, held in the city of Helena, Mont., this 15th day of March, 1902, resolutions were passed as follows, to wit:

"That our Senators and Representative in Congress be requested to use their influence against any measure whatsoever that has for its object the leasing of the public lands under any plan proposed, that the said lands may at all times be open to settlers and home builders;" also,

"*Resolved*, That we urge our Senators to support the legislation now pending before that body imposing a 10-cent per pound tax on oleomargarine colored in semblance of butter."

The above resolutions were adopted at said meeting, and in pursuance to our instructions we, the president and secretary of said Montana Agricultural Society, herewith transmit the record of such action to the honorable Senators and Representative in Congress.

Respectfully submitted.

W. M. WOOLDRIDGE, *President.*

JNO. W. PACE, *Secretary.*

HELENA, MONT., *March 15, 1902.*

Resolutions adopted by the Nebraska Real Estate Dealers' Association, at its convention held at Fremont February 12 and 13, 1902.

Be it resolved by the Nebraska Real Estate Dealers' Association in convention assembled, That we urge upon Congress early legislation on irrigation, in accordance with the recommendation of President Roosevelt's message and the report of the Secretary of the Interior, as the most effective plan for the inauguration of a national system of irrigation, but are opposed to the surrender of the control of the waters secured by national appropriation to individual States contemplated by the so-called "Compromise bill," and we request our Senators and Representatives to secure the amendment of the bill in this particular.

That we are opposed to the so-called leasing bill now pending in Congress, and we hereby request the Nebraska Senators and Representatives to oppose its passage.

S. C. SMITH, *Beatrice, Nebr.*,
J. S. KNOX, *Omaha*,
T. E. BENSON, *Cozad*,
Committee.

DODGE CITY, KANS., *January 18, 1902.*

At a meeting of the Dodge City Commercial Club, held this afternoon and largely attended by business men and farmers, the following resolution was adopted:

"*Resolved*, That we, the members of the Dodge City Commercial Club, do most earnestly condemn the proposed Bowersock land grazing bill for the following reasons, to wit:

"First. We believe that if this bill should become a law that the country will be immediately appropriated, so far as possible, by the large cattle interests, to the detriment of the small farmer and stock raiser.

"Second. That it will serve as a barrier to the homesteader and destroy the full privileges under that act. While the proposed bill, on its face, does not interfere with the operation of the homestead law, we know that it has been demonstrated that land will not be settled upon and taken up as homesteads where the land is covered by a lease, and that many settlers, especially newcomers, will not file on a tract of land that is inclosed in a pasture, even though the tract is Government land and he has a perfect right to settle upon it. This has been one result of a State lease law applicable to school lands.

"Third. That the one aim of this bill is to prevent further settlement of this Western country.

"Fourth. That this bill places a rental or lease value of only two cents per acre on all Western land, and as deeded land adjoining Government or homestead land, in many of the counties in this district, is selling to-day at \$300 to \$800 per quarter section, and is renting at \$10 to \$50 per quarter section, if this bill becomes a law it will depreciate the commercial as well as all rented values.

"Fifth. That under the proposed bill the title does not pass from the Government, and the county and State derive no benefits; and further, that it is legislation in favor of the few and against the many.

"Sixth. That during the past few years all properties in western Kansas have wonderfully advanced in value, and that such a bill will depreciate these values there is no question.

"Seventh. That we most earnestly ask our Senators and Congressmen to use every influence in their power to prevent any such bill as the one proposed from becoming a law, and further that a copy of these resolutions be sent to each of our United States Senators from Kansas and to each of our Congressmen, and that a copy be sent to the Topeka Daily Capital, the Topeka State Journal, and the Kansas City Journal."

Resolutions adopted by the Portland Chamber of Commerce, Portland, Oreg., December 31, 1901.

Whereas any measure which proposes the leasing to individuals and private corporations of the public lands of the United States lying west of the ninety-ninth meridian necessarily contemplates the withdrawal of large tracts of land from settlement, thus seriously threatening to check the development of the Western country. Such measures have a tendency to concentrate the control of all large tracts of the public domain in the hands of a few individuals and corporations. They conflict with and are opposed to our system of providing homes for our citizens. They menace the welfare of the inhabitants of a large section of the State of Oregon, and, if enacted into law, would be a detriment to the best interests of the entire State.

Resolved, That we earnestly protest against the enactment into law of any such measure, as being directly contrary to the interests and development of the West, and to the policy of home building fostered by our Government.

Resolved, That our Senators and Representatives be requested to use their earnest endeavors in opposition to any measure that proposes to lease the public lands in any form whatsoever.

I. N. FLEISCHNER,
Secretary of the Portland Chamber of Commerce.

Resolutions passed by the Linn County Business Council, of Linn County, Oreg., March 1, 1902.

Whereas Representative Bowersock, of Kansas, has introduced a bill in Congress proposing to lease the arid and semiarid land at a yearly rental of 2 cents an acre; and,

Whereas the P. of H. are opposed to monopolies and syndicates: Therefore,
Resolved, That the secretary of this council is hereby instructed to send a copy of this preamble and resolution to each of the Senators and Representatives from this State, asking them to vote against said bill.

At the regular monthly meeting of the Commercial Club of Topeka, Kans., held on the evening of February 12, 1902, the following resolutions were unanimously adopted:

"Whereas there is a bill now before Congress providing for the lease of the Government land in Kansas for grazing purposes at the rate of 2 cents per acre; and

"Whereas during the past few years all properties in western Kansas have greatly advanced in value, grazing lands being valued at from \$300 to \$800 per quarter section, and renting from \$10 to \$50 per quarter section; and

"Whereas the passage of the bill in question will act as a barrier to the homesteader and destroy the effects of that measure by the large cattle interests to the detriment of the small farmer and stock raiser: Therefore,

"Resolved by the Commercial Club of Topeka, That we are unalterably opposed to what is known as the Bowersock bill in its application to Kansas.

"Resolved, That we ask our Senators and members of Congress to use every influence in their power to prevent the bill from becoming a law, and that a copy of these resolutions be sent to each of our United States Senators and members of Congress."

NEWCASTLE, COLO., January 25, 1902.

Hons. Henry M. Teller, Thomas M. Patterson, John C. Bell, and John F. Shafroth, members of the Senate and House of Representatives, respectively, in the Congress of the United States for Colorado, greeting:

Whereas the greater portion of the national domain has been transferred by sale and otherwise to large syndicates, corporations, and speculators generally, who have held and are holding the same for speculative purposes to the great disadvantage of the masses of the people and particularly to those who are seeking homes and are unable to secure them because of the high price of the lands in the hands of the speculator; and

Whereas speculators and moneyed men are now using their every means to gain control of what remains (which is a small portion when compared to the whole) of the public domain, consisting for the most part of grazing lands and timber reserves; and

Whereas in the reservations of Colorado large bodies of agricultural land exist which could be reclaimed for agricultural purposes without in any way conflicting with the timber reserves or the purposes for which the forest reserves were established: Therefore, be it

Resolved, That we, the 195 members of the Bryan Good Government Club of Newcastle, Garfield County, Colo., in regular meeting assembled, request, urge, and demand that you introduce a bill in the Fifty-seventh Congress, now in session at the national capital, and use all honorable means to secure its enactment into law, that will open all agricultural lands within the reservations of Colorado and elsewhere in the United States to preemption or homestead to actual settlers, limiting each settler to 160 acres; the preemptors or homesteaders to be organized into reserves under the control of the reservation officers or forest rangers and required to serve the Government in case of fire or other dangers to the Government reservations without pay.

Resolved, That we request, urge, and demand that you oppose the leasing of the public lands in any and every manner whatsoever, using your endeavors, in season and out, to keep the public lands for grazing purposes as they now exist and forever debar the large cattlemen from getting any advantage whatever over the ordinary cattlemen and stock raisers.

Resolved, That we pray you heed these requests and give them your careful, undivided, and conscientious consideration, that they may become law, and thus aid many deserving families to become real American homes and add to our progress and well-being.

Respectfully submitted for your careful consideration.

F. D. PENCE, *President*.
J. C. SNUFFER, *Secretary*.

RESOLUTIONS OF VARIOUS ORGANIZATIONS IN FAVOR OF LEASING.

Hon. WILLIAM NEVILLE,
House of Representatives, Washington, D. C.

DEAR SIR: We, the undersigned stock growers of northwestern Nebraska, have read a copy of H. R. 7212, introduced by Mr. Bowersock, in the first session of the Fifty-seventh Congress, and entitled "A bill to provide for the leasing for grazing purposes of vacant public domain, and reserving all rights of homestead and mineral entry, and the rental to be a special fund for irrigation."

This bill as introduced meets with our unqualified approval for the following reasons:

First. We believe it is the only way in which a just and equitable division of the Government range among stock growers can be made.

Second. We believe that it is the only peaceful solution of the range wars.

Third. We believe that it is the only system that will give the stock raiser of moderate means an equal chance, in proportion to his means, with the "cattle kings," and make him secure from his encroachments.

We hereby petition you for your earnest support of the bill to its passage.

[Signed by 24 citizens of Nebraska.]

Resolutions passed by the Cattle Raisers' Association of Texas, March 12, 1902.

"Whereas a bill is now pending in the United States Congress, and introduced in the Senate by Mr. Millard, and known as Senate bill No. 3311, and entitled 'A bill to provide for the leasing for grazing purposes of vacant public domain and reserving all rights of the homesteader and mineral entry,' all rentals to be a special fund for irrigation; and

"Whereas such bill provides for just and reasonable compensation to the Government for the rentals of such land, and also protecting all rights of the homesteader and prospector; and

"Whereas the funds derived from the rentals of such lands is to be used for the purpose of creating a fund to be devoted to the purpose of development of irrigation, where such irrigation is necessary.

"Whereas the Texas Cattle Raisers' Association is interested in the development of stock-growing interests of the entire country: Therefore, be it

Resolved, That we indorse the provisions of such a bill and ask the cooperation of our representatives in Congress for their aid and support in the passage, and that a copy of these resolutions be forwarded to such representatives."

Adopted without discussion.

I certify that the above is a correct copy of a resolution passed unanimously by the Cattle Raisers' Association of Texas, in annual convention assembled at Fort Worth, Tex., March 12, 1902.

JULES LOVING, *Secretary*.

Resolutions passed by the National Improved Live Stock Association of Nebraska.

Whereas there is now before the National Congress a bill for leasing such public lands as are suitable neither for agriculture, forestry, nor mining, and are therefore adapted to grazing of live stock only; and

Whereas such lands have heretofore yielded neither revenue to the General Government nor taxes to the States in which they are located; and

Whereas the proposed law contemplates a system under which actual occupiers and users of such public lands shall be made secure in their use for a brief period of

years in consideration of an annual rental equivalent to what is now about the taxable value of similar lands in the hands of private owners in Nebraska; and

Whereas such system will yield a vast annual revenue to the National Government, which should lighten the burden of general taxation, as well as relieve agriculture, in a measure, from untaxed competition in producing live stock: Therefore be it

Resolved, That the Nebraska Improved Live Stock Breeders' Association favors the passage of a "lease law," and that we hereby request the Nebraska Senators and Representatives in Congress to support such a measure.

* PETITIONS FROM VARIOUS LOCALITIES AGAINST LEASING.

Petition of 179 citizens of Malheur County, Oreg.

We, the undersigned, citizens of the United States over the age of 21 years, and residents of the county of Malheur, State of Oregon, believing in the Constitution of the United States and that the public domain should be and remain public in nature as well as name, subject only to the actual bona fide settlement contemplated by law, most earnestly pray that Congress refuse to consider any law looking to any change as to the public domain either by lease or otherwise.

Petition signed by 168 citizens of Prosser, 166 of Sunnyside, 35 of Natchez, 18 of Lower Natchez, 166 of Moxer, 130 of Yakima City, 45 of Cowiche, 93 of Selah and Wenas, 16 of Nile, 53 of Tumpico, and 83 of Alitanum, all of the State of Washington.

Hons. GEORGE TURNER and W. L. JONES,
Senator and Representative from the State of Washington,
and Members of the Fifty-seventh Congress, Greeting:

First. Whereas there is now impending legislation regarding the sale and leasing, for grazing purposes, of the undisposed public lands; and

Whereas we believe that the sale or leasing of the undisposed lands would destroy the fundamental object and purpose of our Government, to foster settlement and the improvement and development of the same; and we further believe that such sale or leasing would be to the interest of the few, fostering their industry and crippling the homeseeker.

Second. And whereas under each of the impending bills before your honorable body only those few spots adjacent streams or containing mountain springs would be purchased and inclosed, thus making those purchasers masters of all the rest of the public domain; and we further believe that while the purchaser or lessor of such favored spots would be greatly benefited, whole communities would suffer eternal drought.

Therefore, we, the undersigned humble petitioners and citizens, without regard to party, ask of you that each of those bills now pending before your honorable body be defeated.

And your petitioners, having drawn lessons and opinions from the regulations of national parks and reservations, and perceiving no less than a hundred restrictions imposed upon them, believe that for the good of the commonwealth and duration of the range some of these restrictions could be made to apply to the whole of the unoccupied and unclaimed public domain.

And we, your petitioners, further represent that the natural watershed of this the Yakima Valley is not being properly protected. We therefore request your good offices in the matter of procuring by necessary legislation extensions to the present Cascade Forest Reserve, in order that the sources of certain streams which we depend upon for water be included within the boundaries of said reservation.

We see sad havoc of the once well-grassed lands caused by negligence, such as herding and driving large bands of stock in the spring when the ground is muddy; and, too, the excessive grazing in seed time of our native grasses prevents a reseed-ing of the same.

Now, we would recommend that no stock be herded (or driven) during the months of December, January, February, and March on any of the public lands. And your petitioners will ever pray.

Petition of 86 citizens of Butte County, S. Dak.

To the Hon. John R. Gamble and Hon. A. B. Kittredge, United States Senators, and the Hon. Charles Burke and Eben W. Martin, Congressmen for the State of South Dakota, at Washington, D. C.:

We, the undersigned residents and taxpayers of Butte County, State of South Dakota, hereby petition you, our representatives in Congress, to use your best efforts and every other honorable means to defeat any bill or bills that in any manner provide for the leasing of any public land to any person, persons, or corporation, believing, as we do, that it is a blow at free homes, will prevent the actual settlement of public lands by bona fide homesteaders, and is destined to place our public lands, which are the heritage of the common people, in the hands of wealthy stockmen, to the exclusion of actual settlers.

Petition of 13 citizens of Fall River County, S. Dak.

HON. E. W. MARTIN, M. C.:

We, the undersigned, citizens and residents of the county of Fall River, State of South Dakota, respectfully and emphatically remonstrate against the passage of any law providing for the leasing by the Government of the public lands of the United States.

We believe that the leasing of lands will greatly retard the settlement of public lands of the United States. That the leasing of public lands will result in putting the control of such lands in the hands of a few, and that such control will operate so as to effectually prevent the improvement and development of the same. That no substantial increase in the value of such lands will accrue when the same are leased, as they will in effect be withdrawn from settlement and occupancy by the actual settler. That any attempt at actual settlement and occupancy of such lands will be followed by serious trouble and endless litigation.

SEIBERT, COLO., *March 10, 1902.*

HON. JOHN C. BELL,

House of Representatives, Washington, D. C.

SIR: We, the undersigned, citizens of Kit Carson County, Colo., having watched with deep interest the proceedings of the American Cattle Growers' Association, which convened in the city of Denver March 4, 5, and 6, 1902, are persuaded that the legislation the said association seek to have enacted by the Congress of the United States will be to the interest of cattle owners who have large herds and to the detriment of those owning small herds, or those just starting in the business of cattle raising, in regard to the leasing of the public domain for grazing purposes.

Therefore, in view of the harm such legislation will become to the cattle owners of Kit Carson County, Colo., we respectfully petition you, as our Representative in the halls of Congress, to oppose such a measure becoming a law.

(Signed by 40 persons.)

To the Hon. John P. Jones, the Hon. William M. Stewart, and the Hon. F. G. Newlands, Representatives for the people of the State of Nevada, and through them to the honorable the Senate and the House of Representatives of the Congress of the United States, Washington, D. C.:

Whereas there have been introduced in Congress certain measures proposing the leasing of the vacant public domain;

Now, therefore, we, the undersigned residents, electors, and bona fide citizens of the State of Nevada, do hereby enter protest against any legislation which proposes at this time to throw open the public domain to private control, and, in support of such protest, we submit:

First. That this nation has never contemplated nor intended that any portion of the public domain should be diverted to private ownership or control, for any term of years whatsoever, except such portion thereof as was limited to be used to the end of public benefit and to facilitate and encourage the development and settlement of the country; that up to the present time private ownership or control of the public

lands, except perhaps that granted by Government to State and by the State diverted to private hands, has been granted only upon the qualification that its use eventually inure to the advantage and benefit of the people generally; and that conditions are not now, and doubtless will not for many years be, ripe for a change in governmental theory and policy in this respect.

Second. That any legislation having for its purpose the placing of a considerable portion of the public domain under private ownership or control, as contemplated in the measures now before Congress, or which could be perverted to such ends, would not only constitute a present and dangerous menace to the development and growth of the country affected thereby, but that the enactment of such a measure would establish a precedent upon which to base grosser evils in the future.

Third. That the territory proposed to be included in the operation of the measures before Congress is to-day practically this country's only field open to pastoral pursuits, with Federal assistance in the matter of free commons, and presents an immense area of unsettled lands, which under present conditions are available to the homeseeker for settlement and the stock beginner for usage for grazing purposes, but which, under the leasing plan, would swiftly and surely become the playgrounds for the stock only of the very wealthy stockmen and corporations, to the eventual and destructive exclusion of all those of lesser or moderate means; that this immense territory is capable, with proper nursing and raising from the Government to which it belongs, of sustaining and providing for a vast population; that its settlement and development is yet in its infancy, and that that settlement and growth and development into a great and self-sustaining and thriving district depends primarily upon the free and unrestricted opportunity of the many to use its advantages, without the encroachments, under cover of law, of those already established in financial power and in the ownership of grazing lands sufficient for their needs.

Fourth. That the larger interests in the stock-raising business are now—and without the assistance of discriminative legislation—in the ownership and control of vast tracts of range and grazing lands, held under contracts to purchase from the several States, which tracts of land are amply sufficient with reasonable care to supply the needs of the owners; that the State trespass act of Nevada protects to the rich unfenced and unoccupied lands held under lease or other title; that, therefore, the small and struggling beginner, unable because of financial reasons to provide ranges by purchase from the State or by lease from private interests, is driven to the open public domain; and that, therefore, any measure proposing the leasing of that portion of the domain which still remains free common would effectually choke to death the man who has been driven to that common by the gradual encroachments of the wealthy and powerful interests, and would inure only to the benefit of those great interests already provided for and who, by reason of plethoric bank accounts and superior facilities for acquiring information, as well as because of the discrimination which the bill provides in favor of the one already an owner or holder of lands, would take advantage of the opportunity to further extend their already vast range holdings, to the end that the small man should sell to them or go to financial destruction.

Fifth. That the result of such legislation would be to place the country affected back many years, undoubtedly checking and perhaps entirely blocking the development of its varied resources, placing its control in the hands of the few, closing the door to the new beginner and the men seeking to establish homes, and in all ways work to the detriment, disadvantage, and destruction of the best interests of the section affected.

Sixth. That the enactment of such a measure would in fact convert the whole territory coming under its operation into the barnyard of the extremely rich.

Wherefore, we respectfully request and urge our Senators and Representatives in Congress to vigorously oppose and, in every legitimate manner, to use their united efforts to defeat the proposed legislation, to the end that, for the protection of the settler and the struggling beginner in the interests of progress and development in the West and in equal justice to the rich and poor, no measure of this character shall be permitted to become a law, and the free common may, in the future as well as the past, remain open to the uses of all.

(Signed by 90 citizens of Nevada.)

Petition of 139 citizens of Deuel County, Nebr.

We, the undersigned citizen voters of Deuel County, Nebr., respectfully petition our honorable Senators and Representatives in Congress to vigorously oppose the measure now before Congress known as the "leasing bill," believing that it means a monopoly of the public domain by the large "cattleman" and the ultimate impoverishment and bankruptcy of the small one.

Petition of 29 citizens of Sheridan County, Nebr.

We, the citizens of Sheridan County, Nebr., petition our Senators and Congressmen in Washington, to vote against any and all bills for the purpose of leasing Government lands, as such bill would only benefit a few large stockmen to the injury of all others.

An appeal to the Congress by 189 citizens of Lake County, Oreg.

At a meeting of North Warner Anti-Land-Leasing Association held at Plush, Oreg. December 7, 1901, the following action was taken:

Passed a unanimous and enthusiastic vote of thanks to the Lake County Examine for courtesies shown the association.

The following memorial to the Congress of the United States was passed, and ordered to be forwarded to Hon. Thos. H. Tongue, with the signatures of 65 members attached.

Attest:

DANIEL BOONE, *Secretary.*

To the Congress of the United States:

The undersigned, your petitioners, citizens of the county of Lake, in the State of Oregon, and members of North Warner Anti-Land-Leasing Association, respectfully represent:

That they are small farmers and owners of small bands of live stock, residing in district of country producing for the outside market nothing but live stock and wool and that whatever money comes into the country and circulates among the people for all purposes is derived from these sources; and we believe that 95 per cent of money put into circulation in the country is so put into circulation by the class of men of which we are a part.

We believe that the general prosperity of all other classes depends in a great measure upon our prosperity, and we know that our prosperity depends entirely upon free and unobstructed use of Government lands as pasture for our live stock. For forty years we and our fathers have been struggling against the vicissitudes of severe climatic conditions and all the hardships and privations of such a country when deprived of communication with the outside world in the effort to establish homes and a business that affords us an independent competency. This business has been established upon the basis of free range to the builder of homes for pasture for his live stock. It can not be made to readjust itself in our hands upon any other basis.

To interfere with the Government policy of a free choice by those who would, in good faith, take homesteads, is to stop homesteading and home building and all general growth and progress in this country. To lease the public lands must do this, if the leaseholder has been made sufficiently secure in his holding to make it of any value.

To interfere with the free use of the public lands for pasture will not only stop the building of new homes in this country, but will destroy the value of thousands of prosperous little homes already established. They are of value only to those who own live stock. Their present owners can continue in the live-stock business only with free range, because the poor homesteader can not lease and protect sufficient land to pasture his stock. If the land when leased is not protected there is no reason for leasing.

The leaseholder must be secure in his ability and right to hold and protect his holdings against every person, and all intrusion, or he will not lease. He must have free right to choose the best, or he will take none. The best having been taken and firmly held by lease, the remaining land no one would have as a homestead. An attempt to lease the lands so as not to interfere with the homesteader, and give the person leasing any security whatsoever that the very best of his holdings will not be taken from him, will be futile. The two things are wholly antagonistic and utterly impracticable.

If the Government would grant each of us sufficient land free to pasture our stock it would cost us more than we are worth, altogether, in many cases, to fence and protect it. If unprotected, it would be of no value. The corporations would protect theirs and consume ours. The sheep industry could not continue one day in Lake County, after the land is leased, in the hands of those now conducting it. The nature of the animal, the climate, soil, feed, and seasons, all contribute to make it absolutely certain that the industry, in the hands of the people who now have practically all of it, can not continue without free range.

The cattle corporations clearly understand this, and it is their avowed purpose to destroy this industry on the range by leasing the lands. The country is not so well adapted to any other live-stock business. No other live-stock business is so profitable. In no other business can the poor, industrious young men so easily start in business. This industry, if not interfered with, is able to meet all adverse circumstances and prosper in this country when all other forms of live stock business languish. Here the sheep has found those natural conditions which make this country his true home. Leasing the lands will displace the sheep and substitute an animal far less capable of prospering here.

The Secretary of Agriculture suggests the leasing of the public lands so as not to interfere with the homesteader. We have shown that in this country either leasing would be impossible or homesteading must be discontinued. He suggests that the land be leased in small lots. Even to those who have but few stock, only the very, cream in small lots would be of any value. To those having large numbers—and no others favor leasing—this proposition would only be accepted with the intention of evading it.

The Secretary further suggests leasing as a means of uniting "the nonirrigable grazing lands and the irrigable lands."

We answer, that these two classes of lands are now emphatically united. Every acre of irrigable land being supported by an exactly sufficient number of acres of non-irrigable pasture land leasing will separate them. Nothing can be more certain than that the irrigable and nonirrigable pasture lands, now closely united, with the very widest diffusion of benefits—so wide as to be practically universal—will be effectually put asunder by leasing, so far as the irrigable small homes are concerned, the connection between which two classes of land is now perfect.

It must be evident to every man that anything which men of unlimited means want they will in some way get when it can be had by the corrupting influence of money. The law does not now allow the great corporations to acquire the land, and there is no other reason to be given why they have not already acquired control of all of it that is of any value. No safeguard, however carefully placed in the law to lease, can prevent the corporations from getting, at their own prices, the stock and homes of thousands of homestead settlers.

To provide for leasing the lands is to give men of means the power to destroy the prosperity and happiness of 75 per cent of the small homes in the range country. To oblige a homesteader to lease and protect land to pasture his little band of stock is to oblige him to expend, in many instances, more money than he has in getting his home and stock. Such would be the cost of fencing and protecting so much land.

To provide for leasing the land is to give one person the means of distressing and destroying another; to create hatred, strife, and lawlessness where now is peace. To provide for leasing the lands is to betray the very people who have conquered this country for civilization into the hands and power of the corporations.

It is to match the rich against the poor in a contest so uneven that there can be no doubt of the complete overthrow of the home builder.

We implore you not to pass a law to lease the public lands.

IZEE, OREG., *February 26, 1902.*

Hon. MALCOLM A. MOODY, *Washington, D. C.*

SIR: We, the farmers and stockraisers of Izee, Grant County, Oreg., most respectfully ask you to use your influence against any bill that would provide for the leasing of public lands for grazing purposes.

[Signed by 75 citizens of Oregon.]

Petition of 57 citizens of Butte County, S. Dak.

To the Congress of the United States:

The undersigned citizens of the semiarid West would respectfully petition your honorable body that no lease law in any form be passed, for the reason that it will be injurious to the present homestead settler, and will virtually do away with the homestead law in the future and prevent the building of reservoirs for irrigating purposes by the settlers.

Hon. THOMAS TONGUE,
Congressman from Oregon:

We, the undersigned citizens of South Warner, pray that you will use your utmost power to prevent the passing of any bill by Congress that will tend toward the leasing of the public lands.

Whereas we, the undersigned, fully believe that it will be detrimental to each and every one of our individual interests as stockmen, viz, by taking from us the use of the public ranges necessary for the sustenance of our stock.

By leasing the public domain it would force us out of the stock business, thereby depriving us of our livelihood as cattlemen, sheepmen, and horsemen, comprising the principal business and avocation in this country.

The passage of such a bill, we believe, would be a serious detriment to the homesteader, by surrounding him with an element that he would be totally unable to cope with successfully.

That it would in many instances ruin public schools, churches, and towns.

That it will ruin many happy homes there can be no question.

That it will depreciate the value of personal and real property throughout the entire West, create strife and contention where peace and prosperity now reign.

That we believe the bill to lease is in every way pernicious and undesirable.

[Signed by 60 citizens.]

Petition of 105 citizens of Laramie County, Wyo.

The honorable the Senate and House of Representatives of the United States:

We, the undersigned residents, property owners and small ranchmen and stockmen of the county of Laramie, in the State of Wyoming, protest against the passage by your honorable body of the present measures before you providing for the leasing of Government lands. The grounds of our protest are as follows:

1. We look upon the pending measures and bills as drawn for the benefit and in the interest of companies of which the majority are nonresidents.

2. We believe the object of these measures is to enable corporations to get exclusive control of the public domain.

3. We consider the leasing of the free and open public range as detrimental to the interests of the bona fide settlers and small ranchmen and stock owners, for the reason that the leasing of such range will tend to, and necessarily, drive the small ranchmen and stock owners out of business and compel them to leave the State.

4. The free and open public domain as it has existed ever since there has been a public domain has provided, and does now provide, free homes for the poor but industrious men and women of our land, and an outlet to the overcrowded cities and States of the East, and we believe the leasing of the public lands virtually robs such people of the opportunity which has heretofore in the history of our Government been accorded them.

5. Under the present system of free homesteads the General Government receives far more revenue from the public lands than it would receive, in our judgment, under the leasing system proposed.

6. It is the history of the West that irrigation and agriculture have ever been discouraged where large companies and corporations have been permitted to hold full sway; and that wherever settlers and small stock owners have settled, the large companies and corporations have been obliged to operate on a smaller scale.

7. The small settlers and stock owners will be unable to carry on their business on the small amount of land they would be able to lease under any of the proposed measures.

8. It has also been the history of the West that where the States have had land to lease, the general rule has been that the large companies and corporations get the most and the best of State lands, to the practical exclusion of the small ranchmen and settlers.

Petitions from various localities in favor of leasing:

Petition to the United States Congress praying for the passage of the Bowersock bill to lease Government lands in the dry arid belt for grazing use.

We, the undersigned petitioners, most respectfully submit that western Kansas, Oklahoma, Nebraska, and a large part of Wyoming, Montana, and Colorado are so

situated in climatic condition as to make said territory unfit for agriculture, except when irrigation is adopted, and that being so expensive, but few can realize any benefit. Therefore the homestead right on those lands is detrimental instead of beneficial; in their present condition they become a menace to the progress of the country.

Believing as we do, with large experience and undoubted patriotism, to do the greatest good to the greatest number, we most respectfully petition and pray that your honorable body provide for the leasing of said lands for grazing that are thus naturally qualified for the greatest benefit.

(Signed by 43 citizens.)

To the honorable Senators and Representatives of the United States, in Congress assembled, Washington, D. C.:

We, the undersigned petitioners, would respectfully petition your honorable bodies not to enact laws for the leasing of the Government lands to wealthy stock owners or to any other parties, for the following and other reasons:

First. Such laws would discriminate against the poor classes and in favor of the wealthy.

Second. Many of the poor settlers could not lease their portion of the lands for lack of money; and if they could do so, they would be unable to fence them, and they would be overrun by the herds of the rich stockmen; so the wealthy stockmen would receive almost the entire benefit of the leasing, including that of the lands rented by the poor classes.

Third. Such laws would be the means of crowding and driving poor homesteaders, and other poor men having only a few head of stock, from our country by the wealthy stockmen.

Fourth. Government lands should be kept unencumbered and open for the benefit of those desiring to take homesteads and who are unable to purchase lands for homes.

Fifth. All Government lands should be kept open and free as now for the equal benefit of the poorer classes of people, who seek to get a start in stock raising, in order that they may be more certain to support themselves and their families, as well as for the sole benefit of the wealthy classes who are now independent.

(Signed by 85 citizens of Colorado.)

WHITEWOOD, S. DAK., February 17, 1902.

HON. E. W. MARTIN, Washington, D. C.

DEAR SIR: We wish to draw your attention to the fact that the large cattlemen are advocating the passage of a law whereby the public land may be leased in large quantities. Now, we hope and hereby request that you use your influence for the best interests of the small cattlemen and actual settlers of the country. They are doing very well under the present régime and are most emphatically opposed to any lease law being passed that does not protect the small cattlemen and actual settlers by a plain provision to the effect that they shall have the preference to lease land adjacent to and within certain prescribed distances of their respective locations.

We understand that one of the bills proposed provides for the leasing of ten times the amount of land a settler may own. It is a fact that very few of the ranchmen have proved up on the land they occupy. We would advocate that an actual settler who has a filing would have the same privilege that the actual owner of the land has. There is a strong sentiment in this section against the leasing of public land.

We hope and believe that you will thoroughly investigate the matter and do all you can in the interest of the small dealer and bona fide settler, and against the monopoly of large tracts by wealthy companies or individuals.

We have no doubt that this policy will be in the best interest of a large majority of the people of western South Dakota.

(Signed by 16 persons.)

The following petitions, signed by several thousand citizens residing in the State of Nebraska and other States, have been referred to the Committee on Public Lands from time to time, but the omission of names is found necessary on account of their great number:

We, the citizens of the State of Nebraska, petition our Senators and Congressmen in Washington to strongly support and endeavor to pass at the earliest day a bill for

the leasing of the public domain that is vacant, as represented by Senate bill No. 3311, introduced for our relief by Senator Millard.

If our fences must be removed from Government land our stock-growing industry in this State will be injured beyond repair unless some lease bill, equitable alike for the small stock grower as well as the larger owner, is passed by Congress.

To the honorable Senators and Representatives of the State of Nebraska,

Washington, D. C.

GENTLEMEN: We, the undersigned, respectfully petition our Senators and Representatives to do all in their power to support and endeavor to pass at the earliest possible date the bill introduced by Senator Millard for the relief of stockmen throughout the Northwest, represented by Senate File No. 3311.

In 1890 the total number of cattle in Cherry County was 26,884. This was practically under an open-range system, there being but few pastures at that time in Cherry County, and the cattle were owned principally by a few large cattlemen. Since that time conditions have changed and nearly all the cattle are now running in pastures, and have increased in numbers in ten years from 26,884 to 129,000, as shown by the assessors' books for 1901, and instead of being owned by a few large outfits, they are owned by numerous ranchmen who keep from 50 to 500 head of cattle. The large outfits are still here, but under the fencing system the owners of small herds have been able to carry on their business with a success never known under an open-range system.

The taking down of fences in Cherry County means the driving out of business of hundreds of small ranchmen who have built up good homes, and whose herds have grown from a few milk cows to prosperous herds of well-bred cattle.

We regard it as wholly impossible to carry on a successful cattle business among either large or small ranchmen under the present conditions if the fences are removed.

Under the present conditions, the ranchmen in the different neighborhoods agree upon the territory to be inclosed in their pastures, and their business is carried on without trouble or litigation, except in a very few instances.

With the fences taken down, stock will have to be close herded, which will be a matter of considerable loss and expense to the large owners, and will practically force the smaller ranchmen out of business, as the additional cost and expense will be such that the profits from the small herds will not be sufficient to continue the business.

Under the present conditions each ranchman, large and small, has his cattle separate, and each one strives to improve the grade and quality of his cattle. He knows where his cattle are at branding time—when he is ready to ship. When he wishes to secure a loan, the investor knows just where his security is.

With the fences taken down, his cattle are scattered through numerous herds; he has no chance to improve the grade or quality of his cattle; many of his cattle go unbranded; he must go to large expense in rounding up and securing his cattle for shipment, and many of them can never be found. Investors will not loan money on property the whereabouts of which is unknown even to the owner, and both the large and small owner will be at the mercy of the "cattle rustler."

In fact, we believe that if the fences are removed and our ranchmen compelled to return to the conditions which prevailed under the open-range system, the result would be disastrous to the interests of all our stockmen, and we earnestly request that our Senators and Representatives give to Senator Millard's bill their hearty support and cooperation.

INDEX.

A.

| | Page. |
|--|--------------------|
| Adams, John M., letter..... | 203 |
| American Cattle Growers' Association: | |
| To President of the United States | 48 |
| Resolutions of..... | 109 |
| List of members | 110 |
| Argus of Carlsbad, N. Mex., quoted | 157, 158, 159 |
| Assignment and transfer of leases | 23, 24, 69, 88, 89 |
| Auction of leasing privileges discussed..... | 12 |
| Australia, leases in | 21, 42, 43 |

B.

| | |
|--|--------------------|
| Barker, W. S., letter..... | 206 |
| Benton, Frank, speech of | 219 |
| Becker, Charles, letters | 210 |
| Bell, John C., M. C., statements of..... | 82, 92, 99, 177 |
| Beef trust referred to | 134, 136, 137 |
| Bowersock, J. D., M. C., of Kansas, statement of | 4 |
| Brundidge, Stephen, jr., M. C..... | 10, 74, 83 |
| Burnett, J. L., M. C., of Alabama..... | 35, 40, 76, 77, 80 |
| Burch, Fred I., letter..... | 206 |
| Breeders' Gazette of Colorado quoted | 215 |

C.

| | |
|--|---------------|
| Cathcart, D. P., letter | 208 |
| Cameron, J. O., open letter of..... | 154 |
| Carlsbad, N. Mex., Argus | 157, 158, 159 |
| Cattle and Horse Growers' Association, list of | 122 |
| Cattle and Horse Growers' Association of central New Mexico, letter..... | 207 |
| Classification | 80 |
| Clemmens, E. A., letters..... | 151, 152, 208 |
| Chinook winds | 95 |
| Coffee, C. F., of Nebraska, statement | 144 |
| Colorado Western line | 35 |
| Colorado Cattle and Horse Growers' Association, resolution | 122 |

D.

| | |
|---|--------|
| Decrease of herds | 86 |
| Decrease of cattle..... | 93, 94 |
| Denver Record Stockman, quoted | 213 |
| Democratic platform of Oregon on leasing..... | 221 |

E.

| | |
|---|--------------------------------------|
| Eddy, F. M., M. C., of Minnesota | 11, 13 |
| Emigration of Americans to Canada..... | 95, 96, 119, 127, 130, 131, 132, 133 |
| Each, John J., M. C., of Wisconsin | 22, 25, 33, 68, 69, 70, |
| 72, 74, 87, 88, 89, 90, 91, 92, 94, 95, 109, 117, 122, 126, 127, 130, 137 | |
| Extracts, political platforms, speeches, editorials, etc | 212 |

F.

| | Page. |
|--|---|
| Fencing of range | 39, 40, 41, 62, 101, 114, 115, 137, 138 |
| Ferdon, William, of Nebraska, statement of | 139 |
| Flynn, D. T., Delegate, Oklahoma | 12, 76, 79 |
| Field and Farm, of Denver, opinions of | 160 |
| Fordney, J. W., M. C., of Michigan | 10, 11, 18, 19, 23 |
| Forest land | 87 |
| Forest reserves | 186 |
| Freehold rights | 23 |
| Fremont, General | 186 |
| Fullen, L. O., letters | 153, 156 |

G.

| | |
|--|--------|
| Geer, T. T., governor of Oregon, letter | 199 |
| Gordon Journal quoted | 218 |
| Grasses | 188 |
| Grazing in reserves | 68, 69 |
| Grubb, president Colorado Stockmen's Association | 98 |
| Gunnison Stockmen's Association | 98 |

H.

| | |
|---|----------------------------|
| Hankins, Mrs. Whitehed, letter | 207 |
| Hay lands | 15 |
| Harris, E. C., statement | 138 |
| Herreid, Chas. N., governor of South Dakota, letter | 198 |
| Herd, Timothy | 186 |
| Herd and flocks | 14 |
| Hermann, Binger, Commissioner of General Land Office: | |
| Statement | 59 |
| Report on Lacey bill | 194 |
| Report on Millard bill | 54 |
| Hitchcock, E. H., letter to Chairman Lacey | 193 |
| Hill, Daniel, of Nebraska, statement | 129 |
| Homesteader | 89, 90, 91 |
| Homesteading | 19, 20, 21, 44, 61, 64, 74 |
| Homesteads taken | 20 |
| Homesteads in arid lands | 65, 120, 137 |
| Homicides | 38, 39, 92, 96, 97 |
| Hunt, F. W., governor of Idaho, letter | 201 |
| Huckins, Chas. F., letter | 205 |

I.

| | |
|--|----------------------------------|
| Idaho legislature, memorial of | 77 |
| Idaho Wool Growers' Association, memorial of | 76 |
| Increase of cattle | 86, 94 |
| Independent, of Silver City, N. Mex., quoted | 162 |
| Interstate Land Company | 165 |
| Irish, John P. | 23, 26, 100, 115 |
| Remarks by | 26, 27 |
| Address by | 31, 85 |
| Irrigation | 22, 31, 32, 33, 79, 87, 125, 136 |

J.

| | |
|--|-----|
| James, Joe, letter | 167 |
| Jones, W. L., M. C., of Washington | 7, |
| 9, 11, 17, 19, 24, 26, 35, 36, 40, 41, 47, 62, 72, 80, 89, | |
| 105, 107, 109, 114, 115, 116, 125, 132, 133, 135, 136, 137 | |
| Johnson, Fred P., letter | 202 |

K.

| | |
|------------------------------------|-----|
| Kansas grazing land | 4 |
| Kay, John L. | 290 |
| Keen, Alpheus A., New Mexico | 199 |

| | Page. |
|--|---|
| Keyes, Charles D., letter..... | 157 |
| Kelley, Ed R., letter..... | 153 |
| Kleberg, Rudolph, M. C., of Texas..... | 16, |
| | 17, 21, 22, 23, 24, 34, 37, 38, 40, 46, 47, 61, |
| | 65, 69, 88, 89, 90, 94, 97, 101, 114, 117, 119 |

L.

| | |
|--|---|
| Lacey, John F., chairman of committee..... | 13, |
| | 14, 19, 20, 22, 23, 24, 37, 38, 40, 44, 45, 46, 47, 49, |
| | 59, 60, 61, 67, 68, 70, 72, 73, 74, 75, 80, 82, 84, 125 |
| Lacey, John F.: | |
| Address of..... | 186 |
| Grazing bill and amendment to..... | 1, 8, 9-91 |
| Letters from governors..... | 196 |
| Letter from land commissioner of Texas..... | 50 |
| Leasing revenue..... | 22 |
| Live Stock World quoted..... | 213 |
| Lusk, F. C., president American Cattle Growers' Association: | |
| Remarks..... | 7 |
| Brief submitted by..... | 27 |

M.

| | |
|--|---|
| Martin, E. W., M. C., of South Dakota..... | 8, |
| | 10, 11, 17, 33, 34, 43, 44, 83, 107, 117, |
| | 118, 119, 124, 125, 128, 129, 130, 133, 135 |
| Maxwell, George H., statement of..... | 168 |
| Mathison, Neil, of Wyoming, letter..... | 210 |
| Miller, D. D., of Nebraska, letter..... | 206 |
| Minneapolis Times quoted..... | 217 |
| Modisett, A. M., statement of..... | 144 |
| Mondell, F. W., M. C., of Wyoming..... | 9, |
| | 10, 19, 20, 26, 36, 37, 38, 40, 44, 46, 47, 63, 69, 70, 71, 73, 74, 82, 83, 87, |
| | 88, 94, 103, 107, 120, 121, 123, 124, 125, 127, 128, 131, 132, 134, 137, 138 |
| Moody, M. A., M. C., of Oregon..... | 18, |
| | 19, 22, 24, 25, 36, 43, 47, 48, 71, 78, 79, 81, 91, 118, 130, 134 |
| Montana State lands, leasing..... | 25 |
| Montana Stock Growers' Association, resolutions..... | 105 |
| Moore, Alex, of Wyoming, letter..... | 204 |
| Morgan, Frank P., letter..... | 167 |
| McMillin, Marsena J., of Colorado, letter..... | 205 |
| Murphy, N. O., governor of Arizona, letter..... | 201 |

N.

| | |
|---|------------------------------------|
| National parks..... | 186 |
| National Live Stock Convention of New Mexico, report..... | 161 |
| Nebraska Sixth Congressional District, resolutions..... | 108 |
| Nebraska Stock Growers' Association, resolutions..... | 118 |
| New Mexico, Spanish grant in..... | 23, 148 |
| New Mexico, open letter to the press..... | 154 |
| New Mexican, letter to, by stockmen..... | 146 |
| New Mexican, letter, reply to..... | 146 |
| Needham, J. C., M. C., of California..... | 7, 9, 10, 73, 74, 79, 88, 103, 132 |
| Nomads..... | 35, 89, 90 |

O.

| | |
|--|-----|
| Omaha Evening Bee quoted..... | 218 |
| Otero Miguel A., governor of New Mexico, letter..... | 199 |

P.

| | |
|--|-----|
| Pioneer stockmen..... | 16 |
| Porter, stock grower of New Mexico..... | 99 |
| Pettijohn, J. C., of Nebraska, letter..... | 206 |
| Petitions on leasing, for..... | 230 |
| Petitions on leasing, against..... | 225 |
| Public domain..... | 186 |

R.

| | Page. |
|--|---------------|
| Ranch, what constitutes | 15 |
| Rail and wagon road grants in Oregon | 18 |
| Receipts of Western and Texas cattle | 93 |
| Rental, annual | 188 |
| Republican platform of Oregon | 221 |
| Resolutions of organizations against leasing | 221 |
| Resolutions of organizations in favor of leasing | 224 |
| Resolutions of Chamber of Commerce, Portland, Oreg | 222 |
| Reservoirs, storage | 126 |
| Resolutions, Commercial Club, Topeka, Kans | 223 |
| Richards, De F., governor of Wyoming, letter | 195 |
| Richards, Bartlett, of Nebraska, statements of | 103-138 |
| Rocky Mountain News, on leasing | 98 |
| Rodey, Bernard S., Delegate from New Mexico, statement | 126, 127, 145 |

S.

| | |
|--|---|
| Savage, Ezra P., governor of Nebraska, letter | 196 |
| Scrip | 21 |
| Shafroth, John F., M. C., of Colorado | 8, 38, 47, 96, 129 |
| Settler and cultivator, preference to | 17 |
| State land, leasing | 46 |
| Stanley, A. E., governor of Kansas, letter | 198 |
| Sheep, migratory | 16, 26, 35, 36, 67, 80, 81, 83, 84, 117 |
| Sioux Falls Press quoted | 217 |
| Springer, Hon. Wm. M., statement of | 75 |
| Stephens, J. H., M. C., of Texas, statement | 173 |
| Stephens, J. H., M. C., of Texas, bill | 174 |
| Stockgrowers buy land | 18 |
| South Dakota Stock Growers' Association, resolutions | 106 |

T.

| | |
|--------------------|------------|
| Texas leasing law: | |
| Text of | 50 |
| Discussed | 19, 20, 47 |
| Texas range | 34 |
| Texas war | 38 |

U.

| | |
|------------------------------|----|
| Utah, southern part of | 35 |
|------------------------------|----|

V.

| | |
|------------------------------------|----------|
| Valentine Republican, quoted | 213, 217 |
|------------------------------------|----------|

W.

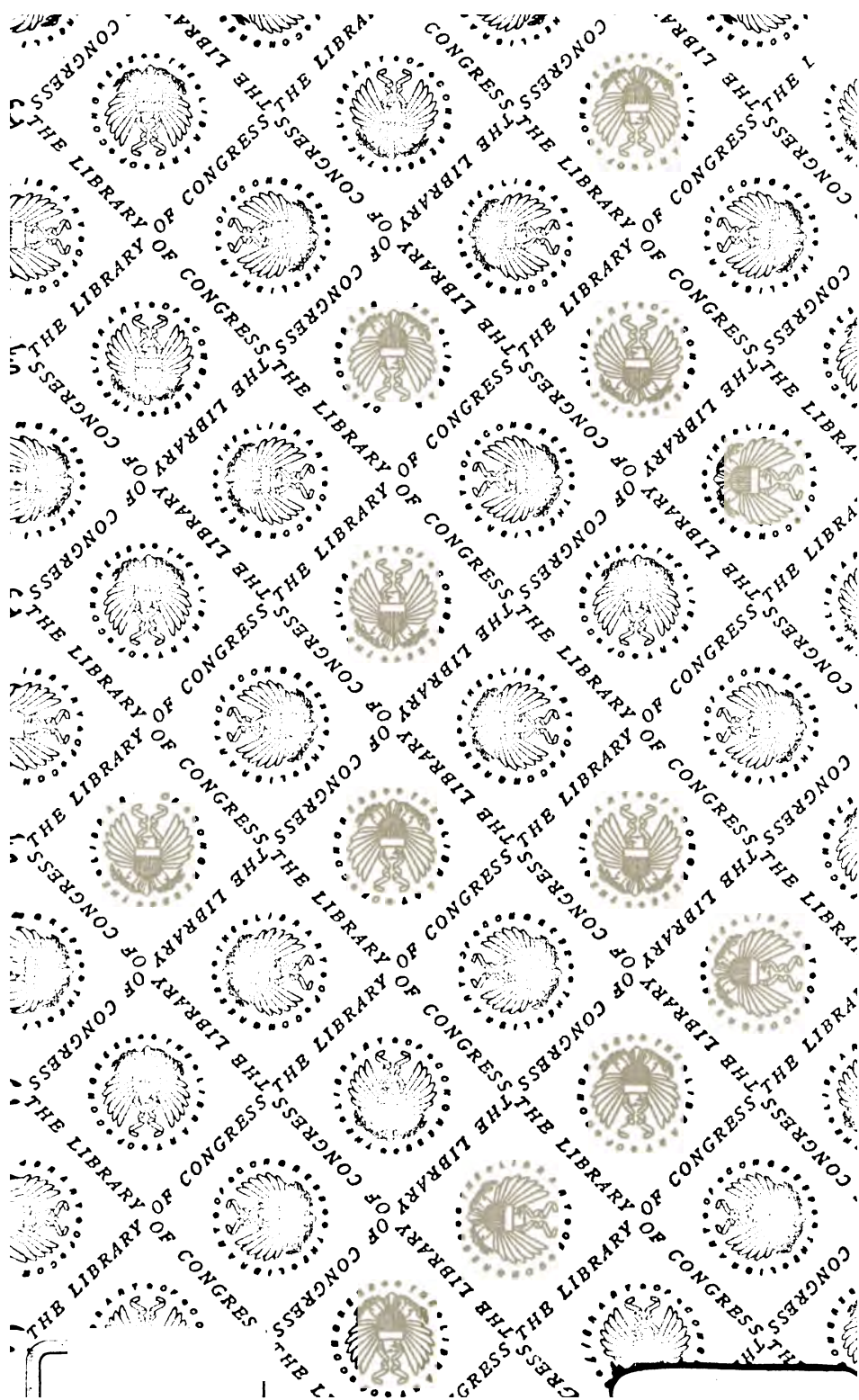
| | |
|--|-----|
| Wantland, C. E., address | 170 |
| Washington, State of, petitions from referred to | 17 |
| Wells, Heber M., governor of Utah, letter | 197 |
| White, Frank, governor of North Dakota, letter | 186 |
| Wilber, Earnest, of Colorado, letter | 207 |

O

801

H 29 83





LIBRARY OF CONGRESS



0 014 132 907 8

